

3-26-1998

Sales Tax For Wildlife Protection And State Parks. Bears.

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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

March 26, 1998

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (98135)

FROM:


DEIRDRE AVENT

ELECTIONS ANALYST

RECEIVED

MAR 31 1998

SUBJECT: INITIATIVE #814

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:

**SALES TAX FOR WILDLIFE PROTECTION AND STATE PARKS. BEARS.
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Mervin Evans
California Bear and Wilderness Protection Act of 1998
555 South Flower Street, Suite 4510
Los Angeles, CA 90071
(213) 506-0523

#814
SALES TAX FOR WILDLIFE PROTECTION AND STATE PARKS. BEARS.
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:..... Thursday, 03/26/98
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Thursday, 03/26/98

 - 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, 08/24/98*

 - 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))..... Thursday, 09/03/98

(If the Proponent files the petition with the county on a date prior to 08/24/98,
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))..... Saturday, 09/12/98**

- 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)) Monday, 10/26/98

* Date adjusted for official deadline which falls on Sunday. EC §15

** Date varies based on receipt of county certification.

INITIATIVE #814

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 09/12/98, 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)) Thursday, 11/05/98**

- 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, 12/22/98

(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 11/05/98, 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, 12/26/98**

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 adjusted for official deadline which falls on Sunday. EC §15

** Date varies based on receipt of county certification.

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

March 26, 1998

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

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

MAR 26 1998

Re: Initiative Title and Summary
Subject: SALES TAX FOR WILDLIFE PROTECTION AND STATE PARKS.
BEARS. INITIATIVE STATUTE.
File No: SA 98 RF 0010

BILL JONES, Secretary of State
By *[Signature]*
Deputy Secretary of State

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 service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent are as stated on the declaration of service.

Sincerely,

DANIEL E. LUNGREN
Attorney General

[Signature]
CONNIE LEMUS
Initiative Coordinator

CL:fec
Enclosures

Date: March 26, 1998
File No: SA98RF0010

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

SALES TAX FOR WILDLIFE PROTECTION AND STATE PARKS. BEARS.

INITIATIVE STATUTE. Increases sales and use taxes by one-half percent. One-half of funds generated is to be used to create refuges for bears, other game and coastal marine life, to manage designated restricted use wilderness areas, and for wilderness education. Other half is for acquiring and restoring state parks. State must capture and place all bears in safe zones. Makes killing, injuring, possessing, transporting or importing bears or bear products a felony punishable by \$10,000 fine and five years imprisonment, or if for commercial purposes, \$15,000 fine and 15 years imprisonment. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The measure would increase state sales and use tax revenues by \$1.9 billion annually to be deposited into the Bear and Wilderness Trust Fund to acquire, restore, and enhance wilderness habitat and the state park system.

SA9BRF0010

REQUEST TO ATTORNEY GENERAL LUNGREN FOR OFFICIAL TITLE & SUMMARY

From: Mervin Evans
Proponent-Sponsor
California Bear & Wilderness Protection Act of 98
555 S. Flower St. Suite 4510
Los Angeles CA 90071
213-506-0523

TO: Attorney General Daniel Lungren
1300 I St. 11th Floor
Sacramento, CA 95814

Sir:

You are well aware of the Bear Poaching Problem we have in California!


400 Bears each year are killed by Cowards and Fools.

Enclosed please find Payment of \$200.

Your Prompt Response and Professional Care is requested.

Please Provide Official Title & Summary.

Thank You.


Mervin Evans

RECEIVED
FEB 26 1998

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 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 amendments to the Fish and Game Code and to the Revenue and Taxation Code, relating to the protection of bears and wilderness 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 amendments (full title and text of the measure) read as follows:

SECTION 1. This act shall be known and may be cited as the Bear and Wilderness Protection Act of 1998.

SEC. 2. Chapter 12 (commencing with Section 2950) is added to Division 3 of the Fish and Game Code, to read:

CHAPTER 12. BEAR AND WILDERNESS PROTECTION

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smaller than
12-point

2950. The Bear and Wilderness Protection Trust Fund is hereby created in the State Treasury for the purpose of administering and implementing this chapter.

2951. Notwithstanding Section 13340 of the Government Code, all money deposited in the Bear and Wilderness Protection Trust Fund in each fiscal year is continuously appropriated, without regard to fiscal year, as follows:

(a) One-half to the department to acquire, restore, and enhance wilderness habitat, including the creation of bear safe zones, coastal marine safe zones, game refuges, and wilderness restricted use districts, as provided in this chapter.

(b) One-half to the Department of Parks and Recreation to restore, repair, and enhance the existing state park system, as provided in this chapter.

2952. (a) The department shall purchase and acquire real property to create bear safe zones, coastal marine safe zones, game refuges, and wilderness restricted use districts, as described in this section, for the purpose of protecting bears and other wildlife.

(1) The department shall designate certain wilderness areas as "bear safe zones," to be used as bear sanctuaries. The department shall capture, transport, and release all bears found in this state into the bear safe

zones. The public may enter a bear safe zone, but it is unlawful to possess a firearm in a bear safe zone.

(2) The department shall designate certain coastal areas as "coastal marine safe zones," to be managed by the department for the protection of fish and marine life. No fish or marine life may be taken from a coastal marine safe zone without a permit issued by the department for that taking.

(3) The department shall designate certain wilderness areas as "game refuges," to be managed by the department for the preservation and protection of wildlife species, as identified by the department. The public may enter game refuges, but no game animal or other animal may be taken without a permit issued by the department for that taking.

(4) The department shall designate certain areas as "wilderness restricted use districts," to be managed by the department for the preservation and protection of all wildlife and wildlife habitat. No public access may occur in a wilderness restricted use district without a permit issued by the department for that access.

(b) The department shall consider the following factors in establishing bear safe zones, coastal marine safe zones, game refuges, and wilderness restricted use

districts:

(1) There shall be safe zones, game refuges, and wilderness restricted use districts shall be established in rural areas so as to minimize conflict between wildlife and human activity.

(2) Sites shall be established in areas where an abundance of wildlife is already in existence.

(3) The department shall maximize its resources to provide for the largest possible sites.

2953. The department shall organize and sponsor wilderness outreach programs directed at inner city youth and offer wilderness educational programs for children in kindergarten and grades 1 to 12, inclusive.

2954. The department may use funds appropriated pursuant to subdivision (a) of Section 2951 to hire additional staff to carry out its duties under this chapter, including, but not limited to, hiring additional management and support staff, fish and game wardens, criminal investigators, and other enforcement officers. The department may also use those funds to purchase vehicles and other equipment necessary to carry out its duties and enforce this chapter.

2958. The Department of Parks and Recreation shall restore and repair the existing state parks system, and shall purchase and acquire additional land, rivers,

wetlands, historic sites, and other resources, in order to enhance the state parks system.

2959. The Department of Parks and Recreation may use funds appropriated pursuant to subdivision (b) of Section 2951 to hire additional staff to carry out its duties under this chapter, including, but not limited to, hiring additional management and support staff, park rangers, park safety officers, environmental officers, and other enforcement officers. The Department of Parks and Recreation may also use those funds to purchase vehicles and other equipment necessary to carry out its duties and enforce this chapter.

SEC. 3. Chapter 9 (commencing with Section 4750) of Part 3 of Division 4 of the Fish and Game Code is repealed.

SEC. 4. Chapter 9 (commencing with Section 4750) is added to Part 3 of Division 4 of the Fish and Game Code, to read:

CHAPTER 9. BEARS

4750. (a) It is unlawful to take, injure, possess, transport, import, or sell any bear or any part or product thereof, or to conspire to take, injure, possess, transport, import, or sell any bear or any part or product thereof.

(b) A violation of this section is a felony punishable as follows:

(1) A person 18 years or older who is convicted of violating this section for noncommercial purposes shall be subject to a fine of ten thousand dollars (\$10,000) and be sentenced to five years imprisonment in the state prison, without opportunity for parole or credit for good behavior.

(2) A person 18 years or older who is convicted of violating this section for commercial purposes shall be subject to a fine of fifteen thousand dollars (\$15,000) and be sentenced to 15 years imprisonment in the state prison, without opportunity for parole or credit for good behavior.

(3) A person under the age of 18 who is convicted of violating this section for commercial or noncommercial purposes shall be placed under the care of the Department of the Youth Authority for five years.

(c) The Attorney General is responsible for prosecuting any person who violates this section.

(d) Notwithstanding any other provision of law, a person arrested for violating this section for commercial purposes may not be released on bail unless the court determines that the person does not pose a flight risk.

SEC. 5. Section 12005 of the Fish and Game Code is repealed.

~~+2005-~~ (a) Notwithstanding Section ~~+2000~~, the maximum punishment for each violation of Section ~~4758~~, except as otherwise provided in subdivision (c), is a fine of five thousand dollars (~~\$5,000~~), imprisonment in the state prison or the county jail for not more than one year, or both the fine and imprisonment.

(b) If the conviction is for the possession of two bear gall bladders and probation is granted, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that a minimum term of 30 days shall be served in the county jail.

(c) The possession of three or more bear gall bladders is punishable by a fine of not more than ten thousand dollars (~~\$10,000~~), imprisonment in the county jail for not more than one year, or both that fine and imprisonment. If probation is granted, or the execution or imposition of sentence is suspended, it shall be a condition thereof that a minimum term of three months shall be served in the county jail.

(d) Consecutive sentences shall be imposed for separate violations of this section.

SEC. 6. Section 6051.5 is added to the Revenue and Taxation Code, to read:

6051.5. (a) In addition to the taxes imposed by Section 6051, 6051.2, 6051.3, and any other provision of this part, for the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers at the rate of one-half of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state on and after January 1, 1999.

(b) All revenues received pursuant to this section shall be deposited in the State Treasury to the credit of the Bear and Wilderness Protection Trust Fund created pursuant to Section 2950 of the Fish and Game Code.

SEC. 7. Section 6201.5 is added to the Revenue and Taxation Code, to read:

6201.5. (a) In addition to the taxes imposed by Section 6201, 6201.2, 6201.3, and any other provision of this part, an excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer on and after January 1, 1999, at the rate of one-half of 1 percent of the sales price of the property.

(b) All revenues received pursuant to this section shall be deposited in the State Treasury to the credit of the Bear and Wilderness Protection Trust Fund

created pursuant to Section 2950 of the Fish and Game Code.

SEC. 8. This act shall become operative on January 1, 1999.

SEC. 9. If any provision of this act or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.