

1-26-2000

Tobacco Litigation Settlement Funds. Designating State And Local Use Of Funds.

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Uniform Commercial Code



BILL JONES
Secretary of State
State of California

January 26, 2000

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

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (00033)

FROM:

A handwritten signature in black ink, appearing to read "Waldeep Singh", written over a horizontal line.

WALDEEP SINGH
INITIATIVE & BALLOT PAMPHLET COORDINATOR

SUBJECT: **INITIATIVE #885**

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:

**TOBACCO LITIGATION SETTLEMENT FUNDS.
DESIGNATING STATE AND LOCAL USE OF FUNDS.
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

James E. Randlett
Randlett/Nelson Associates
1110 Second Street
Sacramento, CA 95814

RECEIVED

FEB 07 2000

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SACRAMENTO COLLEGE OF THE LAW



**TOBACCO LITIGATION SETTLEMENT FUNDS.
DESIGNATING STATE AND LOCAL USE OF FUNDS.
INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 419,260
California Constitution, Article II, Section 8(b)

2. Official Summary Date:.....Wednesday, 01/26/00
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336)Wednesday, 01/26/00

 - 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, 06/26/00*

 - 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, 07/07/00

(If the Proponent files the petition with the county on a date prior to 06/26/00,
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, 07/16/00**

 - 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, 08/25/00

* Date adjusted for official deadline which falls on Saturday (EC §15).

** Date varies based on receipt of county certification.

INITIATIVE #885

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 07/16/00, 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 461,186 or less than 398,297 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 398,297 and 461,186 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, 09/04/00**

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, 10/17/00

(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 09/04/00, 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, 10/21/00**

** 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

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 11
P.O. BOX 9442
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

Facsimile: (916) 323-2137
(916) 324-5490

January 26, 2000

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

JAN 26 2000

BILL JONES, Secretary of State

By 
Deputy Secretary of State

Bill Jones
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

RE: INITIATIVE TITLE AND SUMMARY
SUBJECT: TOBACCO LITIGATION SETTLEMENT FUNDS. DESIGNATING
STATE AND LOCAL USE OF FUNDS. INITIATIVE STATUTE.
FILE NO: SA1999RF0066

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 our title and summary to the proponent of the above-identified proposed initiative.

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 is as stated on the declaration of service.

Sincerely,



DIANE CALKINS
Initiative Coordinator

For **BILL LOCKYER**
Attorney General

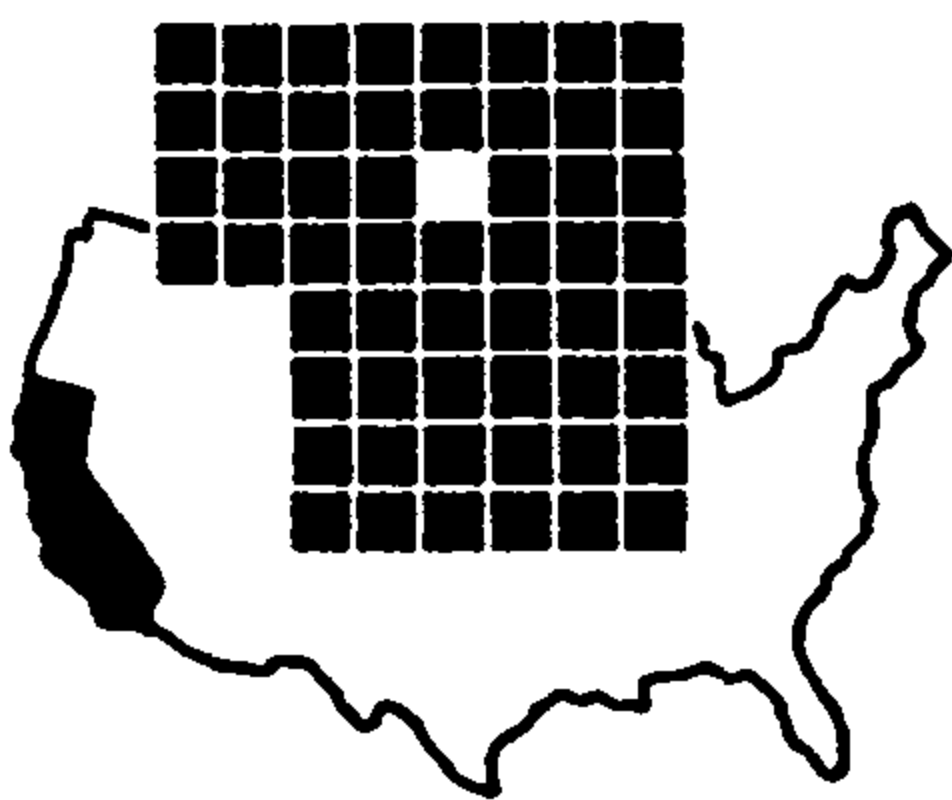
DC:ms
Enclosures

Date: January 26, 2000
File No.: SA1999RF0066

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

TOBACCO LITIGATION SETTLEMENT FUNDS. DESIGNATING STATE AND LOCAL USE OF FUNDS. INITIATIVE STATUTE. Establishes, effective 1/1/2001, California Tobacco Settlement Fund and city and county Tobacco Settlement Funds. Requires proceeds from national tobacco litigation settlement be paid to such Funds and restricts annual allocations by state to designated health care services, and by cities and counties to health care and human services. When state tax revenues are forecasted to be less than prior fiscal year, the Legislature, by two-thirds vote, may reallocate state settlement proceeds. Allocation restrictions shall not apply to a county with population less than 750,000. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Measure would result in a state General Fund revenue loss, and a corresponding state special fund revenue gain, ranging from about \$390 million to about \$470 million annually (plus inflation adjustments). Similarly, there would be a commensurate revenue transfer from counties' current repositories for tobacco settlement payments to the local Tobacco Settlement Funds.

SA1999RF0066



~~CAL/ACEP~~

505 N. Sepulveda Blvd., Suite 12
Manhattan Beach, California 90266
(310) 374-4039 • FAX: (310) 374-5851
(800) 735-2237
e-mail: calacep@worldnet.att.net

AMERICAN COLLEGE OF EMERGENCY PHYSICIANS
STATE CHAPTER OF CALIFORNIA, INC.

December 1, 1999

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

The Honorable Bill Lockyer
Attorney General, State of California
1300 I Street
Sacramento, CA 94224-2550

Dear General Lockyer:

The American College of Emergency Physicians, California Chapter [CAL/ACEP] is submitting for title and summary a second initiative which allocates both the state and county shares of tobacco settlement funds to health care.

In addition to CAL/ACEP, this initiative is supported by the California Medical Association, the American Association of Retired Persons, and the California School Nurses Organization. We will be seeking the support of other organizations and individuals interested in improving the health status of Californians.

The proposed initiative allocates the state's share of tobacco settlement funds to pay for prescription drugs and community long term care for senior citizens and persons with disabilities; emergency medical services; poison control centers; health insurance for mothers and infants and for individuals denied insurance coverage; tobacco education and control programs; non-profit community clinics; school nurses; and trauma centers and hospitals. The initiative allocates county shares of tobacco settlement funds to health care and human services.

It is our intention to place the proposed initiative before California voters for the November 2000 General Election.

If you have questions regarding this request please contact me at (916) 446-1111. Thank you for your prompt attention to this request.

Best regards,


James E. Randlett
Proponent

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:

[Proponents Recommended Title and Summary]

INVESTMENT OF TOBACCO SETTLEMENT FUNDS FOR HEALTH.
Allocates state tobacco settlement funds to health care, specifically to fund: prescription drugs and community long term care for senior citizens and persons with disabilities; emergency medical services; poison control centers; health insurance for mothers and infants, and for individuals denied insurance coverage; tobacco education and control programs; non-profit community clinics; school nurses; and trauma centers and hospitals. Allocates county shares of tobacco settlement funds to health care and human services.

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 the afore-described County (or city and county), on the signature page of this petition section, hereby propose amendments to the Health and Safety Code, providing for the investment of tobacco settlement funds into health care services, 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 read as follows:

SECTION 1. Chapter 1.3 (commencing with Section 104553) is added to Part 3 of Division 103 of the Health and Safety Code, to read:

CHAPTER 1.3. INVESTMENT OF TOBACCO SETTLEMENT FUNDS FOR HEALTH

Section 104553. Declaration of Findings and Purposes

- (a) The State of California will receive an average of \$500 million per year and local governments will receive an average of \$500 million per year resulting from the settlement of litigation against the tobacco industry.

- (b) Since this litigation was initiated in California by local governments and by physician and health organizations to help pay the cost of smoking related medical care, it is only fitting that these funds be used to provide health care services and tobacco education and control services to Californians.
- (c) There are many critical health care needs that are not being met in California due to inadequate funding, including:
- Affordable prescription drugs and community based long term care for senior citizens and persons with disabilities;
 - Keeping emergency rooms and trauma centers open;
 - Immunizations and primary health care for children and families;
 - Teen-age and adult smoking education and control programs;
 - Credentialed school nurses in public elementary schools;
 - Open and fully staffed poison control centers; and
 - Health insurance coverage for mothers and infants, and persons denied coverage.
- (d) Supporting these critical health care services is a wise investment that will produce a return many times the annual expenditures.
- (e) Therefore, the People of the State of California declare that the proceeds of the Master Settlement Agreement of 1998 shall be invested in the health care services provided for in this initiative, thereby improving the health status of Californians.

Section 104553.1. Tobacco Settlement Funds

- (a) The California Tobacco Settlement Fund is hereby created in the State Treasury. Commencing on January 1, 2001, the state's share of all funds received from the tobacco litigation Master Settlement Agreement of 1998 and any funds received from any source to replace funds the State would have been entitled to receive under the Master Settlement Agreement shall be deposited in the California Tobacco Settlement Fund.
- (b) Each county (or city and county) entitled to receive funds pursuant to the tobacco litigation Master Settlement Agreement of 1998 shall, commencing on January 1, 2001, deposit such funds and any funds received from any source to replace funds the county would have been entitled to receive under the Master Settlement Agreement in a local Tobacco Settlement Fund established within its own treasury.

Section 104553.2. Allocation of Tobacco Settlement Funds

- (a) Moneys shall be annually allocated and appropriated from the California Tobacco Settlement Fund as follows:

- (1) 23% to provide prescription drugs and community based long term care for seniors and persons with disabilities.
 - (2) 22% to fund emergency medical services provided by emergency room physicians and emergency room on-call physician specialists to pay for non-paying patients, so that emergency rooms and trauma centers are not closed.
 - (3) 15% to tobacco prevention and control, including cessation services, for youth and adults to reduce smoking and the consumption of tobacco.
 - (4) 15% to non-profit community clinics, so that children and families receive immunizations, primary care, and other health care services.
 - (5) 10% to school nurses services, in order to ensure the safe and appropriate delivery of health services for students in public elementary schools.
 - (6) 10% to fund trauma centers and hospitals providing a disproportionate share of unfunded health care services, including children's hospitals, University hospitals, community hospitals, and county hospitals.
 - (7) 5% to poison control centers, the Access For Infants and Mothers Program [AIM], and the Managed Risk Medical Insurance Program, so that poison control centers are not forced to close, and to reduce the waiting lists for health coverage for infants and mothers and persons denied health insurance.
- (b) Each county (or city and county) shall allocate and appropriate funds in its local Tobacco Settlement Fund only for health care and human services, including, but not limited to, mental health and capital expenditures to construct new and to replace existing health care facilities. This subdivision shall not apply to a county with a population less than 750,000.
- (c) If any of the services funded in subdivision (a) are funded by other federal funds, the Legislature by a two-thirds vote of the membership of each house of the Legislature may reallocate tobacco settlement funds to the other services listed in subdivision (a) in an amount equal to or less than the amount of those other federal funds.
- (d) If state tax revenues, as estimated by the Legislative Analyst's Office, are forecasted to be less than the prior fiscal year, then the Governor may

propose and the Legislature may reallocate tobacco settlement funds for the succeeding budget year to any state government purpose by a two-thirds vote of the membership of each house of the Legislature.

Section 104553.3. Definitions and Interpretations

- (a) For the purposes of this Chapter the Master Settlement Agreement of 1998 means the agreement entered into between the states' Attorneys General and the tobacco industry on November 23, 1998, in settlement of litigation, as defined in subdivision (e) of Section 104556.
- (b) Funds allocated and appropriated pursuant to Section 104553.2(a) of this Chapter shall be used to supplement existing levels of federal, state and local funding for each service described in Section 104553.2(a) and not to supplant existing levels of funding based on the 1999-2000 fiscal year. Funds allocated and appropriated pursuant to Section 104553.2(b) of this Chapter shall be used to supplement existing levels of federal, state and local funding described in Section 104553.2(b) and not to supplant existing levels of funding based on the 1999-2000 fiscal year.
- (c) Funds allocated for emergency medical services by Section 104553.2(a) (2) shall be available to physicians, who would otherwise qualify for reimbursement under Section 1797.98a, only to pay for emergency medical services (as defined in Section 1317.1) provided by emergency physicians to non-paying patients, and to pay on-call physician specialists called into the hospital by an emergency physician for the provision of emergency medical services during the first 24 hours of emergency medical care provided to non-paying patients. "Non-paying patients" means patients who do not make any payment for the emergency medical services and for whom no responsible third party makes any payment.
- (d) If any provision of the Chapter, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Chapter are severable. In addition, the provisions of the Chapter are intended to be in addition to and not in conflict with any other initiative measure that may be adopted by the people at the November 2000 election, and the provisions of the Chapter shall be interpreted and construed so as to avoid conflicts with any such measure whenever possible.