

SA2003RF0071

December 5, 2003

TO: Attorney General  
State of California  
Elections Division  
1500-11<sup>th</sup> Street  
Post Office Box 944260  
Sacramento, California 94244-2600

RE: **SUMMARY AND TITLE OF CONSTITUTIONAL AMENDMENT**

Dear Attorney General:

Robert W. Wilson, as proponent, submits the attached initiative proposing an amendment to the California Constitution.

Subject: Gaming

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

Enclosed is a \$200.00 certified money as required.

Thank you for your courtesy and cooperation in this matter.

Very Truly Yours,

**Robert W. Wilson**

**RECEIVED**  
DEC 18 2003

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

SA 2003 RFO071

**DECLARATION PURSUANT TO ELECTIONS CODE SECTION 960**

I, \_\_\_\_\_ acknowledge that it is a misdemeanor under state law (section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

\_\_\_\_\_  
(signature of Proponent)

Dated this 10th day of December, 2003

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DEC 18 2003

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

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

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

**SECTION 1** The purpose of this article is to legalize Las Vegas and Atlantic City type gambling as defined in the Constitution of the State of California and further defined in California Penal Code, Chapter 10, Sections 330, 330 (a), 330 (b), 330 (c), 330.1, 330.4 and 337(a) in Barstow, California and Oakland, California, so as to lower the per capita tax structure of the State of California.

This proposed program provides for a pilot experimental program for a period of 28 (twenty-eight) years which limits gaming as herein above described to the California Cities named in Section 1. This program will be conducted in accord with the experimental program described in this initiative within the State in order to prove or disprove the viability of the plan.

**SECTION II** The California Legislature shall provide for the regulation of Gaming as defined in Penal Code, Chapter 10, Sections 330, 330 (a), 330 (b), 330 (c), 330.1, 330.4 and 337(a).

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

**SECTION IV** Recognizing the mandate of the people, The Legislature shall pass all laws reasonably necessary to implement the legalization and conduction of gaming as presently proscribed by State Penal Code, Chapter 10, Sections 330, 330 (a), 330 (b), 330 (c), 330.1, 330.4 and 337(a). including Betting On Sporting Events, Slot Machines, Card Dice, Dice, Punchboard, Pool Selling, Faro, Monte, Roulette, Lansquenet, Rouge et Noire, Dondo, Tan, FanOTan, Stud-Horse Poker, Seven-and-a-Half, Twenty-One, Hokey Pokey, or any banking or percentage game played with cards, dice or any device for money, checks, credit or other representations of value.

**SECTION V** After expiration of the twenty-eight (28) year period referred to in Section 1 of this Article, The Legislature shall have the power to extend the pilot experimental program to a time to be determined by it according with all rules, regulations, and conditions The Legislature may have then prescribed or to confirm said Article for all counties of this State or eliminate gaming entirely should the pilot plan prove gaming not to be in the best interests of California.

**SECTION VI** Jurisdiction and supervision over Gaming in this State and over all persons or things having to do with the operation of Gaming is vested in the People's Gaming Act Commission. The People's Gaming Act commission shall consist of three members to be appointed by the governor. Each member shall have been a resident of this State for four years prior to the date of appointment. Each member shall hold office for a term of four years. Any vacancy shall be filled by the governor for the remainder of the term.

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

**SECTION VIII** The salaries of the People's Gaming Act Commission members, the Secretary, other employees, and all other necessary expenses to carry out the Gaming Measure shall be paid monthly out of the California State General Fund by the State Treasurer on the warrant of the State Controller and the Certification of the Chairman of the People's Gaming Act Commission. The People's Gaming Act Commission shall establish and maintain a general office for the transaction of its business at a place to be determined by it. The People's Gaming Act Commission may hold meetings at any other place when the convenience of the members of the People's Gaming Act Commission requires.

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

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

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

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

**SECTION IX** The California Cities named in Section 1, subject to the local option by the City Councils, within said cities shall be the only cities for this pilot program. Consequently, the geographical areas where gaming shall be permitted according to the provisions of this Article shall be limited to the city boundaries of the California Cities named in Section 1.

The People's Gaming Act Commission shall issue permits for gaming at the request of each of the City Councils of each of the California Cities named in Section 1, not to exceed 12 permits for each city named. It shall be unlawful for any person, persons, corporations, public or private, associations or other legal entities to conduct Gaming in the California Cities named in Section 1 without a City license from the California Cities named in Section 1 and a permit from the People's Gaming Act Commission of this State.

Each of the California Cities named in Section 1 shall appoint a commission to investigate applicants for Gaming Licenses, supervising Gaming in the City; and establishing its own licensing and tax fees.

The People's Gaming Act Commission shall issue twelve (12) permits as the California Cities named in Section 1 request for gaming, not to exceed 12 for each city.

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

**SECTION XI** It is hereby declared to be the policy of this State that all establishments where gambling games as defined herein are conducted or where gambling devices are operated in The California Cities named in Section 1 shall be licensed by The California Cities named in Section 1 and granted a permit from the People's Gaming Act Commission, and that all establishments where gambling games, as defined are conducted or where gambling devices are operated and granted a permit from the People's Gaming Act Commission, so that these activities will be controlled so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State of California.

## **SECTION XII DEFINITIONS**

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

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

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

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

**"Gaming" "Gambling" :** Dealing, operating, carrying on, conducting, maintaining or exposing for play any Game as defined in Penal Code, Chapter 10, Section 330 and elsewhere in the People's Gaming Act.

**"Gaming License" " Any license which authorizes the person named therein to engage in Gaming.**

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

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

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

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

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

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