



**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

September 5, 2007

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT  
(07132)

FROM:

  
KATHERINE MONTGOMERY  
Elections Analyst

SUBJECT: **INITIATIVE #1267**

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:

**NUCLEAR ENERGY. REMOVAL OF PROHIBITIONS  
ON THE CONSTRUCTION OF NUCLEAR  
POWER PLANTS. STATUTE.**

The proponent of the above-named measure is:

Chuck DeVore  
800 J Street, Suite 516  
Sacramento, CA 95814

(949) 413-4472

#1267

**NUCLEAR ENERGY. REMOVAL OF PROHIBITIONS  
ON THE CONSTRUCTION OF NUCLEAR  
POWER PLANTS. STATUTE.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: ..... 433,971  
California Constitution, Article II, Section 8(b)
2. Official Summary Date: ..... Wednesday, 09/05/07
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elec. Code § 336) ..... Wednesday, 09/05/07
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time within each  
county. (Elec. Codes §§ 336, 9030(a)) ..... Monday, 02/04/08\*
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elec. Code § 9030(b)).....Friday, 02/15/08  
  
(If the Proponent files the petition with the county on a date prior to  
02/04/08, 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) (Elec. Code § 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 .....Sunday, 02/24/08\*\*
  - 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  
(Elec. Code § 9030(d)(e)) ..... Monday, 04/07/08

\* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

\*\*Date varies based on the date of county receipt.

**INITIATIVE #1267**  
**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 02/24/08, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (Elec. Code §§ 9030(f)(g), 9031(a)) ..... Thursday, 04/17/08\*

- 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. (Elec. Code § 9031(b)(c)). .....Friday, 05/30/08

(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 04/17/08, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 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 (Elec. Code §§ 9031(d), 9033) .....Tuesday, 06/03/08\*

\*Date varies based on the date of county receipt.

## IMPORTANT POINTS

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- 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) 124 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 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.
- 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.

EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

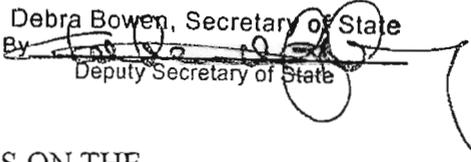
Public: (916) 445-9555  
Telephone: (916) 445-1968  
Facsimile: (916) 324-8835  
E-Mail: Toni.Melton@doj.ca.gov

September 5, 2007

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

SEP 05 2007

Debra Bowen  
Secretary of State  
1500 - 11<sup>th</sup> Street, 5<sup>th</sup> Floor  
Sacramento, CA 95814

Debra Bowen, Secretary of State  
By   
Deputy Secretary of State

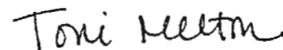
RE: Title and Summary for Initiative No. 07-0027  
TITLE: NUCLEAR ENERGY. REMOVAL OF PROHIBITIONS ON THE  
CONSTRUCTION OF NUCLEAR POWER PLANTS. STATUTE.

Dear Ms. Bowen:

Pursuant to the provisions in sections 336 and 9004 of the Elections Code, enclosed please find a copy of the Title and Summary issued for Initiative Number 07-0027 and text of the proposed measure.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,



TONI MELTON  
Initiative Secretary

For EDMUND G. BROWN JR.  
Attorney General

Enclosures

**Proponent's public information:**

Assemblyman Chuck DeVore  
California State Assembly  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0070

Date: September 5, 2007  
Initiative No. 07-0027  
Amendment No. 2S

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

NUCLEAR ENERGY. REMOVAL OF PROHIBITIONS ON THE CONSTRUCTION OF NUCLEAR POWER PLANTS. STATUTE. Repeals existing restrictions on state approval of construction of nuclear power plants. Repeals existing state process for determining adequacy of nuclear waste storage, and requires acceptance of federally-approved storage methods. Creates technical restrictions and limitations on the approval of nuclear power plants in specified areas of the state which are seismically active or biologically sensitive or where the nuclear power plant would discharge into navigable rivers. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Potential, unknown state and local administrative costs, largely paid for by fees, for review of new power plant applications and for regulatory enforcement and emergency planning related to new power plant construction and operation. Potential, unknown financial exposure to the state in the long term, potentially in the millions of dollars in environmental cleanup costs at each new nuclear power plant site, and potentially in the billions of dollars in the event of a major radioactive release. Potential, unknown increase in state and local revenues in the long term, to the extent the measure generates new investment in the state in the nuclear power industry that is not fully offset by decreased investment in other energy sectors. (Initiative 07-0027.)

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0070  
(916) 319-2070

DISTRICT OFFICE  
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# Assembly California Legislature

CHUCK DeVORE  
REPUBLICAN WHIP  
ASSEMBLYMAN, SEVENTIETH DISTRICT



COMMITTEES  
VICE CHAIR, REVENUE AND TAXATION  
BUDGET  
VETERANS AFFAIRS

07-0027

Amdt. #2S

July 17, 2007

The Hon. Edmund G. Brown Jr.  
Attorney General  
1300 I Street  
Sacramento, California 95814

RECEIVED

JUL 17 2007

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Dear Mr. Attorney General:

This letter transmits one minor, technical amendment to the initiative I submitted July 10 for title and summary entitled the *California Energy Independence and Zero Carbon Dioxide Emission Electrical Generation Act of 2008*. The amendment appears necessary because of a 1983 U.S. Supreme Court case, "PACIFIC GAS & ELECTRIC CO. ET AL. v. STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION ET AL., 461 U.S. 190" which held that California could regulate some aspects of the nuclear industry based on economic, not safety concerns, the former being within the purview of the states, the latter being preempted by the Federal government. This amendment to the initiative language clarifies that there are benefits to ratepayers derived from not allowing nuclear power plant construction in areas prone to large earthquakes as well as in environmentally sensitive areas. You will find the amendment in section 25450.1, paragraph (d) which now reads: "To maximize safety and minimize environmental impacts of any new commercial nuclear powerplants that may be built in the state, seismically active and biologically sensitive areas should be excluded from site consideration. *These exclusions have the additional purpose of protecting ratepayers against construction cost overruns that are frequently incurred when building in seismically active or biologically sensitive areas.*"

Thank you for your offices' diligent review of this vital matter to the people of the State of California.

Sincerely,

Assemblyman Chuck DeVore  
Seventieth District

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

Section 1. Chapter 5.5 (commencing with Section 25450) is added to Division 15 of the Public Resources Code, to read:

Chapter 5.5. CALIFORNIA ENERGY INDEPENDENCE AND ZERO CARBON DIOXIDE EMISSION  
ELECTRICAL GENERATION ACT OF 2008

25450. This chapter shall be known and may be cited as the California Zero Carbon Dioxide Emission Electrical Generation Act of 2008.

25450.1 The people of the state of California hereby make the following findings and declare their purpose in enacting the Act is as follows.

(a) Modern nuclear powerplants emit zero carbon dioxide emissions and nuclear power is the only large scale and reliable electrical energy generating technology that does not directly emit carbon dioxide, which is thought to be a component of global warming or climate change. Building new nuclear powerplants will allow California to comply with the carbon emission reduction mandates while still meeting the state's growing need for electricity.

(b) More than half of California's electrical power is generated by natural gas, which is imported from other nations and states, and from coal. Natural gas prices are highly sensitive to supply and demand fluctuations, due to volatile world market conditions, and these price fluctuations can harm both consumers and business.

(c) Modern, efficient, and safe nuclear power should be considered part of the solution of improving California's ability to generate reliable, affordable, and clean energy, so as to benefit California's consumers, the economy, and the environment.

(d) To maximize safety and minimize environmental impacts of any new commercial nuclear powerplants that may be built in the state, seismically active and biologically sensitive areas should be excluded from site consideration. *These exclusions have the additional purpose of protecting ratepayers against construction cost overruns that are frequently incurred when building in seismically active or biologically sensitive areas.*

25450.2. The commission shall not certify a site for a nuclear fission thermal powerplant that has a 10-percent probability or greater in a 50-year period of exceeding a peak acceleration of 30 percent gravity (0.30g) on hard rock, or equivalent acceleration on other soils, as determined by the United States Geological Survey/California Geological Survey Probabilistic Seismic Hazards Assessment (PSHA) Model, 2002 (revised April 2003) or as updated on or after January 1, 2015.

25450.3. To reduce the environmental impact of the warm outflow of nuclear fission thermal powerplants coolant waters, the commission shall not certify a site for a nuclear fission thermal powerplant that uses a once-through nuclear reactor cooling system, if the location of the nuclear powerplant coolants outflow of that system meets either of the following criteria:

(a) The location is within five miles of a coastal area of special biological significance, as determined by the State Water Resources Control Board on or before June 1, 2003, pursuant to the California Ocean Plan adopted pursuant to Section 13170.2 of the Water Code, or as updated by the State Water Resources Control Board on or after January 1, 2015.

(b) The outflow is to a navigable river.

25450.4. When certifying a new nuclear fission thermal powerplant pursuant to this division, the commission shall consider any dry cask storage system approved by the Nuclear

Regulatory Commission to be an appropriate method for storing spent nuclear fuel and associated material.

25450.5. For purposes of taking any action with regard to approving, reviewing, or issuing a permit or other grant authority to, a new nuclear fission thermal powerplant, a state agency shall deem any dry cask storage system method approved by the Nuclear Regulatory Commission to be an acceptable method of storing spent nuclear fuel and associated material for up to 100 years.

SEC. 2. Section 25524.1 of the Public Resources Code is repealed.

~~25524.1. (a) Except for the existing Diablo Canyon Units 1 and 2 owned by Pacific Gas and Electric Company and San Onofre Units 2 and 3 owned by Southern California Edison Company and San Diego Gas and Electric Company, no nuclear fission thermal powerplant requiring the reprocessing of fuel rods, including any to which this chapter does not otherwise apply, excepting any having vested right as defined in this section, shall be permitted land use in the state or, where applicable, certified by the commission until both of the following conditions are met:~~

~~(1) The commission finds that the United States through its authorized agency has identified and approved, and there exists a technology for the construction and operation of, nuclear fuel rod reprocessing plants.~~

~~(2) The commission has reported its findings and the reasons therefore pursuant to paragraph (1) to the Legislature. That report shall be assigned to the appropriate policy committees for review. The commission may proceed to certify nuclear fission thermal powerplants 100 legislative days after reporting its findings unless within those 100 legislative days either house of the Legislature adopts by the majority vote of its~~

~~members a resolution disaffirming the findings of the commission made pursuant to paragraph (1).~~

~~(3) A resolution of disaffirmance shall set forth the reasons for the action and shall provide, to the extent possible, guidance to the commission as to an appropriate method of bringing the commission's findings into conformance with paragraph (1).~~

~~(4) If a disaffirming resolution is adopted, the commission shall reexamine its original findings consistent with matters raised in the resolution. On conclusion of its reexamination, the commission shall transmit its findings in writing, with the reasons therefore, to the Legislature.~~

~~(5) If the findings are that the conditions of paragraph (1) have been met, the commission may proceed to certify nuclear fission thermal powerplants 100 legislative days after reporting its findings to the Legislature unless within those 100 legislative days both houses of the Legislature act by statute to declare the findings null and void and takes appropriate action.~~

~~(6) To allow sufficient time for the Legislature to act, the reports of findings of the commission shall be submitted to the Legislature at least six calendar months prior to the adjournment of the Legislature sine die.~~

~~(b) The commission shall further find on a case-by-case basis that facilities with adequate capacity to reprocess nuclear fuel rods from a certified nuclear facility or to store that fuel if that storage is approved by an authorized agency of the United States are in actual operation or will be in operation at the time that the nuclear facility requires reprocessing or storage; provided, however, that the storage of fuel is in an offsite location to the extent necessary to provide continuous onsite full core reserve storage capacity.~~

~~(c) The commission shall continue to receive and process notices of intention and applications for certification pursuant to this division, but shall not issue a decision pursuant to Section 25523 granting a certificate until the requirements of this section have been met. All other permits, licenses, approvals, or authorizations for the entry or use of the land, including orders of court, which may be required may be processed and granted by the governmental entity concerned, but construction work to install permanent equipment or structures shall not commence until the requirements of this sections have been met.~~

SEC. 3. Section 25524.2 of the Public Resources Code is repealed.

~~25524.2. Except for the existing Diablo Canyon Units 1 and 2 owned by Pacific Gas and Electric Company and San Onofre Units 2 and 3 owned by Southern California Edison Company and San Diego Gas and Electric Company, no nuclear fission thermal powerplant, including any to which this chapter does not otherwise apply, but excepting those exempted herein, shall be permitted land use in the state, or where applicable, be certified by the commission until both of the following conditions have been met:~~

~~(a) — The commission finds that there has been developed and that that the United States through its authorized agency has approved and there exists a demonstrated technology or means for the disposal of high level nuclear waste.~~

~~(b) (1) The commission has reported its findings and the reasons therefore pursuant to paragraph (a) to the Legislature. That report shall be assigned to the appropriate policy committees for review. The commission may proceed to certify nuclear fission thermal powerplants 100 legislative days after reporting its findings unless within those 100 legislative days either house or the Legislature adopts by the majority vote its members a resolution disaffirming the finding of the commission made pursuant to subdivision (a).~~

~~(2) A resolution of disaffirmance shall set forth the reasons for the action and shall provide, to the extent possible, guidance to the occasion as to the appropriate method of bringing the commission's findings into conformance with subdivision (a).~~

~~(3) If a disaffirming resolution is adopted, the commission shall reexamine its original findings consistent with matters raised in the resolution. On conclusion of its reexamination, the commission shall transmit its findings in writing, with the reasons therefor, to the Legislature.~~

~~(4) If the finding are that the conditions of subdivision (a) have been met, the commission may proceed to certify nuclear fission thermal powerplants 100 legislative days after reporting its findings unless within those 100 legislative days both houses of the Legislature act by statute to declare the findings null an void and take appropriate action.~~

~~(5) To allow sufficient time for the Legislature to act, the reports of findings of the commission shall be submitted to the Legislature at least six calendar months prior to the adjournment of the Legislature sine die.~~

~~(e) As used in subdivision (a), "technology or means for the disposal of high level nuclear waste" means a method for the permanent and terminal disposition of high level nuclear waste. Nothing in this section requires that facilities for the application of that technology or means be available at the time that the commission makes its findings. That disposition of high level nuclear waste does not preclude the possibility of an approved process for retrieval of the waste.~~

~~(d) The commission shall continue to receive and process notices of intention and applications for certification pursuant to this division but shall not issue a decision pursuant to~~

~~Section 25523 granting a certificate until the requirements of this section have been met. All other permits, licenses, approvals, or authorizations for the entry or use of the land, including orders of court, which may be required may be processed and granted by the governmental entity concerned, but construction work to install permanent equipment or structures shall not commence until the requirements of this section have been met.~~