Ben Davis Jr.
P.O. Box 3844
Santa Cruz, CA 95063-3844
(916) 833-7894
bendavis54@gmail.com

11-0008

RECEIVED
MAR 30 2011
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attorney General's Initiative Coordinator
P. O. Box 944255
Sacramento, CA 94244-2550

Subject: Initiative Petition Title and Summary

Ben Davis Jr. hereby requests a Title and Summary for the attached state-wide initiative petition pursuant to California Election Code Section 9001, 9002. The measure would halt generation of nuclear power in California pending certain actions by the United States government. Two Hundred Dollars is submitted herewith.

Submitted this 28th day of March, 2011.

I declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Santa Cruz County, California.

_____
Ben Davis Jr.

11-0008

TO THE HONORABLE SECRETARY OF STATE OF THE STATE OF CALIFORNIA:

We, the undersigned, registered, qualified voters of the State of California, residents of the below mentioned County (or City and County) hereby propose amendments to the Public Resources Code, relating to the operation of nuclear powerplants 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 the general election or otherwise provided by law. The proposed statutory amendments read as follows:

The Nuclear Waste Act of 2011

Section 1: The people of California find that:

(1) A demonstrated technology or means for the disposal of high-level nuclear waste has not been developed and approved by the United States through its authorized agency.

(2) A demonstrated technology for the construction and operation of, nuclear fuel rod reprocessing plants has not been developed and approved by the United States through its authorized agency.

(3) In balancing the benefits and risks associated with energy production, nuclear fission is the least desirable means of producing electrical energy available in the State of California.

(4) The use of nuclear fission is not needed to meet the current or forecasted electrical energy needs of the State of California.

Therefore, the people hereby enact the provisions of this initiative.

Section 2: Chapter 6(commencing with section 25524.15) is added to Division 15 of the Public Resources Code to read:

25524.15 It is the intent of the People of the State of California in enacting this legislation to protect the rate payers and tax payers of California, both present and future, from risk of unreasonable costs associated with ownership and operation of nuclear powerplants.

(a) No nuclear fission thermal powerplant requiring the reprocessing of fuel rods, including any to which this chapter does not otherwise apply, shall be permitted to produce electrical energy by use of nuclear fission until 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's findings may become effective 100 legislative days after reporting its findings to the Legislature unless within those 100 legislative days either house of the Legislature adopts by a 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's findings will become effective 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) All other permits, licenses, approvals or authorizations for the operation of nuclear fission powerplants for production of electrical energy, including orders of courts, which may be required may be processed and granted by the governmental entity concerned, but operation of nuclear fission powerplants for the production of electrical energy shall not commence until the requirements of this section have been met.

25524.25 It is the intent of the People of the State of California in enacting this legislation to protect the rate payers and tax payers of California, both present and future, from risk of unreasonable costs associated with ownership and operation of nuclear powerplants.

(a) No nuclear fission thermal powerplant, including any to which this chapter does not otherwise apply, shall be permitted to produce electrical energy by use of nuclear fission until the following conditions have been met:

(1) The commission finds that there has been developed and 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.

(2) 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's findings may become effective 100 legislative days after reporting its findings to the Legislature unless within those 100 legislative days either house of the Legislature adopts by a 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's findings will become effective 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) 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.

(c) All other permits, licenses, approvals or authorizations for the operation of nuclear fission powerplants for production of electrical energy, including orders of courts, which may be required may be processed and granted by the governmental entity concerned, but operation of nuclear fission powerplants for the production of electrical energy shall not commence until the requirements of this section have been met.

SECTION 3: If any provision of this initiative or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the initiative which can be given effect without the invalid provision or application and to this end the provisions of the initiative are severable.

SECTION 4: To further its purpose this initiative may be amended by statute, passed in each house by a two-thirds vote.

SECTION 5: This initiative shall take effect immediately.