

3-25-2010

PRECLUDES ANYONE OTHER THAN  
STATE ATTORNEY GENERAL FROM  
BRINGING A LAWSUIT CHALLENGING  
SUFFICIENCY OF ENVIRONMENTAL  
IMPACT REPORT. INITIATIVE STATUTE.

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PRECLUDES ANYONE OTHER THAN STATE ATTORNEY GENERAL FROM BRINGING A LAWSUIT CHALLENGING  
SUFFICIENCY OF ENVIRONMENTAL IMPACT REPORT. INITIATIVE STATUTE. California Initiative 1465 (2010).  
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**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

November 16, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum #10318

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Katherine Montgomery  
Initiative Program Manager

RE: Initiative: Failure of #1465, Related to Environmental Impact Reports

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures for the hereinafter named initiative statute filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: PRECLUDES ANYONE OTHER THAN STATE ATTORNEY GENERAL FROM BRINGING A LAWSUIT CHALLENGING SUFFICIENCY OF ENVIRONMENTAL IMPACT REPORT. INITIATIVE STATUTE.

SUMMARY DATE: March 26, 2010

PROPONENT: Timothy L. Strader, Sr.



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

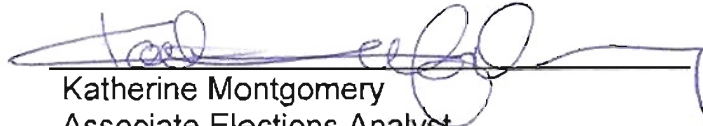
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March 26, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum #10107

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Katherine Montgomery  
Associate Elections Analyst

RE: Initiative: 1465, Related to Environmental Impact Reports

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:

**PRECLUDES ANYONE OTHER  
THAN STATE ATTORNEY GENERAL FROM  
BRINGING A LAWSUIT CHALLENGING SUFFICIENCY  
OF ENVIRONMENTAL IMPACT REPORT. INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Timothy L. Strader, Sr.  
19700 Fairchild Road, Suite 240  
Irvine, CA 92612

(949) 622-0420

#1465

**PRECLUDES ANYONE OTHER  
THAN STATE ATTORNEY GENERAL FROM  
BRINGING A LAWSUIT CHALLENGING SUFFICIENCY  
OF ENVIRONMENTAL IMPACT REPORT. INITIATIVE 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: ..... Friday, 03/26/10
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elec. Code § 336) ..... Friday, 03/26/10
  - 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, 08/23/10
  - 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)).....Thursday, 09/02/10  
  
(If the Proponent files the petition with the county on a date prior to  
08/23/10, 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..... Saturday, 09/11/10\*
  - 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)).....Friday, 10/22/10

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

**INITIATIVE #1465**

**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 09/11/10, 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 (EC §9030(f)(g); 9031(a)).....Monday, 11/01/10\*
  
- 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)). ..... Thursday, 12/16/10

(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 11/01/10, 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).....Monday, 12/20/10\*

\*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.

March 26, 2010  
Initiative 10-0009

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

**PRECLUDES ANYONE OTHER THAN STATE ATTORNEY GENERAL FROM BRINGING A LAWSUIT CHALLENGING SUFFICIENCY OF ENVIRONMENTAL IMPACT REPORT. INITIATIVE STATUTE.** Changes California law to preclude any person, city, county, or other entity, other than the state Attorney General, from bringing a lawsuit that alleges that an environmental impact report does not comply with the California Environmental Quality Act because it fails to identify ways to minimize significant environmental effects, fails to offer alternatives to the proposed project, or fails to satisfy other legal requirements. Applies retroactively to currently pending actions. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Potential additional net costs for DOJ from increased CEQA litigation workload, likely not more than the low millions of dollars annually. Potentially significant savings or costs for state and local government litigation defense in CEQA cases. Unknown, but likely positive, net impact on state and local government revenues from increased economic activity. Unknown fiscal effect, if any, on state and local government costs to mitigate environmental effects of projects. (10-0009.)**

**EDMUND G. BROWN JR.**  
*Attorney General*

*State of California*  
**DEPARTMENT OF JUSTICE**



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Facsimile: (916) 324-8835  
E-Mail: Krystal.Paris@doj.ca.gov

March 26, 2010

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

MAR 26 2010

Honorable Debra Bowen  
Secretary of State of the State of California  
State of California Elections  
1500 11th Street, 5th Floor  
Sacramento, CA 95814

Debra Bowen, Secretary of State  
By   
Deputy Secretary of State

Attention: Ms. Katherine Montgomery  
Associate Elections Analyst

Dear Secretary Bowen:

Pursuant to Elections Code, section 9004, you are hereby notified that on this day we sent our title and summary for each of the following proposed initiatives to the proponent:

- **10-0008, "California Jobs and Housing Act (Version 1)"**
- **10-0009, "California Jobs and Housing Act (Version 2)"**

A copy of the title and summary and text of each initiative is enclosed. Thank you.

Sincerely,



KRYSTAL M. PARIS  
Initiative Coordinator

For EDMUND G. BROWN JR.  
Attorney General

Proponent:

Timothy L. Strader, Sr.  
19700 Fairchild Road, Suite 240  
Irvine, CA 92612



January 28, 2010

10-0009

**VIA FEDERAL EXPRESS**

Office of the Attorney General  
State of California  
Attention: Initiative Coordinator  
1300 I Street  
Sacramento, California 95814

**RECEIVED**

FEB 03 2010

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary of Proposed Initiative --  
California Jobs and Housing Act (Version 2)


Dear Ms. Paris:

Pursuant to Section 10(d) of Article II of the California Constitution, and Section 9002 of the California Elections Code, I am submitting a proposed statewide statutory initiative measure, entitled the "California Jobs and Housing Act," and requesting that your office prepare and title and summary of the measure as provided by law.

I have also included with this letter (1) the text of the proposed measure, (2) a check in the amount of \$200.00 as required by Section 9004 of the Elections Code, and (3) the signed statement required by Section 9608 of the Elections Code, after which is set forth the address at which I am registered to vote.

Should you have any questions or require additional information, please contact me at 19700 Fairchild Road, Suite 240, Irvine, California 92612 or (949) 622-0420.

Thank you for your attention to this matter.

Very truly yours, 

Timothy L. Strader, Sr.

CALIFORNIA JOBS AND HOUSING ACT  
STATUTORY AMENDMENT

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative expressly amends provisions of the California Public Resources Code. New provisions proposed to be added are printed in *bold face italic type* to indicate they are new.

SECTION 1. Title. This measure shall be known and may be cited as the California Jobs and Housing Act.

SECTION 2. Findings and Declarations. The people find and declare as follows:

- (a) California families are suffering the effects of the worst economic recession since the Great Depression.
- (b) Unemployment in California has reached a 70-year high, far above the national average.
- (c) Job losses in the real estate and building industries are a major contributing factor. Nearly 25% of the two million unemployed Californians have lost jobs in construction, finance, real estate and industries related to construction.
- (d) The California Environmental Quality Act (CEQA) requires most major construction projects to be accompanied by an Environmental Impact Report (EIR), which must be certified by the government agency approving the project. The purpose of this report is to determine, among other things, whether the project would have a significant effect on the environment and whether changes in the project would avoid or reduce that effect.
- (e) Once the EIR is certified by the government agency, the law permits any person to challenge it by filing a lawsuit. These types of lawsuits can take years to resolve and cost millions of dollars in legal fees.

- (f) Projects are typically put on hold once a challenge is filed and it can take up to five years to fight the lawsuit. During this time, projects are suspended and thousands of jobs are lost.
- (g) Hundreds of frivolous lawsuits, filed by individuals or groups seeking cash settlements have stalled many of the state's largest development projects, stopping job creation and raising the cost of housing throughout California.
- (h) The Attorney General of California is the people's lawyer and has the ability to determine whether or not a legal challenges to a certified EIR is necessary to protect the environment and the public's interest.
- (i) Giving the Attorney General of California the exclusive right to challenge certified EIRs will put an end to hundreds of frivolous lawsuits, which stall job creation and drive up housing prices for California families.

SECTION 3. Amendment of Section 21167 of the Public Resources Code.

Section 21167 of the Public Resources Code is hereby amended to read in its entirety as follows:

An action or proceeding to attack, review, set aside, void, or annul the following acts or decisions of a public agency on the grounds of noncompliance with this division shall be commenced as follows:

(a) An action or proceeding alleging that a public agency is carrying out or has approved a project that may have a significant effect on the environment without having determined whether the project may have a significant effect on the environment shall be commenced within 180 days from the date of the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days from the date of commencement of the project.

(b) An action or proceeding alleging that a public agency has improperly determined whether a project may have a significant effect on the environment shall be commenced within 30 days from the date of the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152.

(c) An action or proceeding alleging that an environmental impact report does not comply with this division shall be commenced within 30 days from the date of the filing of the

notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152 by the lead agency. *Notwithstanding any provision of this division to the contrary, no individual or entity, including without limitation any person as that term is defined in Section 21066, other than the Attorney General may commence and maintain any such action or proceeding authorized by this subdivision (c).*

(d) An action or proceeding alleging that a public agency has improperly determined that a project is not subject to this division pursuant to subdivision (b) of Section 21080 or Section 21172 shall be commenced within 35 days from the date of the filing by the public agency, or person specified in subdivision (b) or (c) of Section 21065, of the notice authorized by subdivision (b) of Section 21108 or subdivision (b) of Section 21152. If the notice has not been filed, the action or proceeding shall be commenced within 180 days from the date of the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days from the date of commencement of the project.

(e) An action or proceeding alleging that another act or omission of a public agency does not comply with this division shall be commenced within 30 days from the date of the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152, *provided that such alleged act or omission does not relate to an environmental impact report that is subject to the provisions of subdivision (c).*

(f) If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid. The date upon which this notice is mailed shall not affect the time periods specified in subdivisions (b), (c), (d), and (e).

SECTION 4. Effective Date. This Act and all provisions thereof shall, unless otherwise expressly herein provided, take effect and become operative on the date the Secretary of State certifies the results of the election at which this Act was approved.

SECTION 5. Prospective and Retroactive Application. This Act applies prospectively and retroactively to any actions, proceedings, causes of action or claims that are pending as of the effective date of this Act and for which no final nonappealable judgment has been entered prior to the effective date of this Act.

SECTION 6. Amendment. Pursuant to Article II, Section 10(c) of the California Constitution, the provisions contained in this Act may be amended only by the people and not by the Legislature.

SECTION 7. Severability. If any provision of this Act, 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 Act are severable.