

ASSEMBLY BILL

No. 862

Introduced by Assembly Member Wolk

February 22, 2007

An act to add Section 16728 to the Government Code, and to amend Section 21082.1 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 862, as introduced, Wolk. Public resources: information.

(1) Existing law, the California Environmental Quality Act, requires that any draft environmental impact report, environmental impact report, negative declaration, or mitigated negative declaration prepared pursuant to the requirements of the act shall be prepared directly by, or under contract to, a public agency. The lead agency is required to submit a sufficient number of copies of the draft environmental impact report, proposed negative declaration, or proposed mitigated negative declaration, and a copy of the report or declaration in an electronic form, as required, to the State Clearinghouse.

This bill would instead for those declarations or reports required to be submitted to the State Clearinghouse permit the lead agency to submit either hard copies of the report or declaration, or a copy or copies in an electronic format and with metadata.

(2) Existing law requires that for any state general obligation bond measure approved by the voters on or after January 1, 2004, the head of the lead state agency administering the bond proceeds annually report certain information to the Legislature and the Department of Finance. Costs of the report may be included in the cost of administering the

bond measure unless the bond measure specifically prohibits those expenses.

This bill would require that specified information produced in support of any project receiving funding from any bonds measures approved by the voters on or after November 7, 2006, be supplied to a state digital library designated by the State Librarian in a format and with descriptive and identifying information as designed by the State Librarian.

The State Librarian would be required to make the information provided available to the public in an indexed and searchable form on an Internet Web site or an analogous successor network. The State Librarian would be required to charge each recipient of the bond funds a fee to pay for the reasonable costs of the services provided. The payment of the fee would be an allowable use of any allocation of funding for any grant, loan, project, plan, or other activity funded by the specified bond measure. The department, agency, commission, or other entity administering any allocation of funding would be required to provide for payment of the amount of the fee to the State Library before making the final payment of a loan or grant to a recipient.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 16728 is added to the Government Code,
- 2 to read:
- 3 16728. Any state bond measure approved by the voters on or
- 4 after November 7, 2006, shall be subject to the following
- 5 requirements:
- 6 (a) Studies, surveys, maps, charts, reports, and other information
- 7 resources bearing on the state’s environment, geology, or resources
- 8 produced in support of any project receiving funding from any
- 9 bonds issued pursuant to this chapter, including informational
- 10 resources relied upon in applications for funding, shall be supplied
- 11 to a state digital library designated by the State Librarian in a
- 12 format and with descriptive and identifying information as designed
- 13 by the State Librarian.
- 14 (b) The State Librarian shall make the information supplied
- 15 pursuant to subdivision (a) freely available to the public on an
- 16 Internet Web site or an analogous successor network. The State
- 17 Librarian shall provide that the information be indexed and

1 electronically searchable, and provide that it include an address
2 or other description of the location of a copy of the paper
3 document, if one exists, and shall provide for the information's
4 permanent storage and public availability, including its migration
5 to new electronic media and storage technologies as these develop.

6 (c) The State Librarian shall charge each recipient of funding
7 from any bonds issued pursuant to this chapter a fee sufficient to
8 pay the reasonable costs of the services described in this section.
9 The payment of this fee shall be an allowable use of any allocation
10 of funding for any grant, loan, project, plan, or other activity funded
11 through this chapter. The department, agency, commission, or
12 other entity administering any allocation of funding through this
13 chapter shall provide for payment of the amount of this fee to the
14 State Library before making the final payment of a loan or grant
15 to a recipient.

16 SEC. 2. Section 21082.1 of the Public Resources Code is
17 amended to read:

18 21082.1. (a) Any draft environmental impact report,
19 environmental impact report, negative declaration, or mitigated
20 negative declaration prepared pursuant to the requirements of this
21 division shall be prepared directly by, or under contract to, a public
22 agency.

23 (b) This section is not intended to prohibit, and shall not be
24 construed as prohibiting, any person from submitting information
25 or other comments to the public agency responsible for preparing
26 an environmental impact report, draft environmental impact report,
27 negative declaration, or mitigated negative declaration. The
28 information or other comments may be submitted in any format,
29 shall be considered by the public agency, and may be included, in
30 whole or in part, in any report or declaration.

31 (c) The lead agency shall do all of the following:

32 (1) Independently review and analyze any report or declaration
33 required by this division.

34 (2) Circulate draft documents that reflect its independent
35 judgment.

36 (3) As part of the adoption of a negative declaration or a
37 mitigated negative declaration, or certification of an environmental
38 impact report, find that the report or declaration reflects the
39 independent judgment of the lead agency.

- 1 (4) Submit a sufficient number of copies of the draft
2 environmental impact report, proposed negative declaration, or
3 proposed mitigated negative declaration, ~~and a copy~~ *or a copy or*
4 *copies* of the report or declaration in an electronic ~~form~~ *format*
5 *and with metadata* as required by the guidelines adopted pursuant
6 to Section 21083, to the State Clearinghouse for review and
7 comment by state agencies, if any of the following apply:
8 (A) A state agency is any of the following:
9 (i) The lead agency.
10 (ii) A responsible agency.
11 (iii) A trustee agency.
12 (B) A state agency otherwise has jurisdiction by law with respect
13 to the project.
14 (C) The proposed project is of sufficient statewide, regional, or
15 areawide environmental significance as determined pursuant to
16 the guidelines certified and adopted pursuant to Section 21083.