

AMENDED IN ASSEMBLY FEBRUARY 24, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1589**

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**Introduced by Assembly Member Mathis**  
*(Coauthors: Assembly Members Brough, Chang, Gallagher, Harper,  
Olsen, and Steinorth)*  
*(Coauthors: Senators Bates, Berryhill, and Huff)*

January 6, 2016

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An act to add Section 21080.47 to the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1589, as amended, Mathis. California Environmental Quality Act: exemption.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts certain projects from its requirements.

The California Emergency Services Act authorizes the Governor, during a state of emergency, to issue a proclamation of a state of emergency and to suspend any regulatory statute where the Governor

determines and declares that strict compliance with the statute would prevent, hinder, or delay the mitigation of the effects of the emergency.

This bill would, for the duration of a state of emergency proclaimed by the Governor due to drought, flood, or fire, exempt from the requirements of CEQA projects that are undertaken, carried out, or approved by a public agency to mitigate the effects of, or conditions caused by, drought, flood, or fire.

Because a public agency would be required to determine whether this exemption applies, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 21080.47 is added to the Public Resources
- 2 Code, to read:
- 3 21080.47. (a) This division ~~does~~ *shall* not apply to projects
- 4 that are undertaken, carried out, or approved by a public agency
- 5 to mitigate the effects of, or conditions caused by, drought, flood,
- 6 or fire for which a state of emergency has been proclaimed by the
- 7 Governor pursuant to Chapter 7 (commencing with Section 8550)
- 8 of Division 1 of Title 2 of the Government Code.
- 9 (b) This section is operative only while a state of emergency
- 10 due to drought, flood, or fire is in effect.
- 11 SEC. 2. No reimbursement is required by this act pursuant to
- 12 Section 6 of Article XIII B of the California Constitution because
- 13 a local agency or school district has the authority to levy service
- 14 charges, fees, or assessments sufficient to pay for the program or
- 15 level of service mandated by this act, within the meaning of Section
- 16 17556 of the Government Code.