

AMENDED IN ASSEMBLY MAY 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2788**

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**Introduced by Assembly Member Gatto**

February 19, 2016

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An act relating to oil and gas, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 2788, as amended, Gatto. Natural gas storage: emergency regulations.

The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law provides that, if a state agency makes a finding that the adoption of a regulation or order of repeal is necessary for the immediate preservation of the public peace, health and safety, or general welfare, the regulation or order of repeal may be adopted as an emergency regulation or order of repeal. Under existing law, a regulation, amendment, or order of repeal adopted as an emergency regulation remains in effect no more than 180 days unless the adopting agency and the Office of Administrative Law comply with certain requirements.

This bill would instead require that *certain* emergency regulations adopted by the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation effective ~~February 5, 2016~~, remain in effect until the adoption, amendment, or repeal of the ~~regulation~~ *regulations* is promulgated by the division pursuant to the act. *The bill would repeal this provision on January 1, 2019.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Notwithstanding Chapter 3.5 (commencing with  
2 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
3 Code, including subdivisions (e) and (h) of Section 11346.1 of the  
4 Government Code, the emergency regulations amending Section  
5 1724.9 of Title 14 of the California Code of Regulations adopted  
6 by the Division of Oil, Gas, and Geothermal Resources in the  
7 Department of Conservation effective \_\_\_\_\_ February 5, 2016,  
8 shall remain in effect until the adoption, amendment, or repeal of  
9 the regulations is promulgated by the division pursuant to Chapter  
10 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
11 Title 2 of the Government Code.

12 SEC. 2. *Section 1 of this act shall remain in effect only until*  
13 *January 1, 2019, and as of that date is repealed, unless a later*  
14 *enacted statute, that is enacted before January 1, 2019, deletes or*  
15 *extends that date.*

16 ~~SEC. 2.~~

17 SEC. 3. This act is an urgency statute necessary for the  
18 immediate preservation of the public peace, health, or safety within  
19 the meaning of Article IV of the Constitution and shall go into  
20 immediate effect. The facts constituting the necessity are:

21 In order to ensure that emergency regulations implementing  
22 protective standards for all underground gas storage projects in  
23 the state remain in effect, it is necessary that this act take effect  
24 immediately.