

AMENDED IN SENATE MARCH 30, 2016

SENATE BILL

No. 1278

Introduced by Senator Hancock

February 19, 2016

An act to add Section 21080.50 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1278, as amended, Hancock. California Environmental Quality Act: Port of Oakland: coal shipment.

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 (EIR) 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.

This bill would require every public agency with discretionary approval of any portion of a project relating to the shipment of coal through the Port of Oakland to prepare or cause to ~~prepare~~ *be prepared* an EIR.

Because *the bill would create new duties for a public agency, which includes a local agency, would be required to prepare or cause to prepare an EIR*, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for *the* City of Oakland.

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 21080.50 is added to the Public Resources
2 Code, to read:

3 21080.50. Notwithstanding other provisions of this ~~division,~~
4 *division and to the extent consistent with federal law*, every public
5 agency with discretionary approval of any portion of a project
6 relating to the shipment of coal through the Port of Oakland shall
7 prepare or cause to ~~prepare~~ *be prepared* an environmental impact
8 report pursuant to this division.

9 SEC. 2. The Legislature finds and declares that a special law
10 is necessary and that a general law cannot be made applicable
11 within the meaning of Section 16 of Article IV of the California
12 Constitution because of the unique nature of coal shipment through
13 the Port of Oakland.

14 SEC. 3. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 a local agency or school district has the authority to levy service
17 charges, fees, or assessments sufficient to pay for the program or
18 level of service mandated by this act, within the meaning of Section
19 17556 of the Government Code.

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