

AMENDED IN ASSEMBLY AUGUST 25, 2000  
AMENDED IN ASSEMBLY SEPTEMBER 3, 1999  
AMENDED IN ASSEMBLY AUGUST 23, 1999  
AMENDED IN ASSEMBLY AUGUST 16, 1999  
AMENDED IN ASSEMBLY JULY 15, 1999  
AMENDED IN SENATE APRIL 15, 1999

**SENATE BILL**

**No. 192**

**Introduced by Senator Perata Ortiz**

January 19, 1999

---

---

~~An act to add Sections 43023 and 43024 to the Health and Safety Code, relating to gasoline. An act to add Section 65850.6 to the Government Code, relating to development on the Sacramento River.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 192, as amended, ~~Perata Ortiz. Gasoline Sacramento River: development.~~

*Existing law authorizes certain flood control projects on the Sacramento River.*

*This bill would authorize development of commercial structures within specified boundaries of the Sacramento River if prescribed standards are met.*

~~(1) Existing law authorizes the State Air Resources Board, among other things, to adopt and implement motor vehicle fuel specifications for the control of air contaminants and sources of air pollution.~~

~~This bill would prohibit the sale of gasoline containing methyl tertiary butyl ether (MTBE) on and after January 1, 2003. Because other provisions of existing law would make a violation of these provisions a crime, the bill would impose a state-mandated local program. The bill would also require the State Energy Resources Conservation and Development Commission to submit quarterly reports to the Legislature summarizing the amount of MTBE used in gasoline in this state by each refinery during the preceding quarter and comparing that amount to the amount of MTBE used in gasoline by each refinery during the previous quarter.~~

~~(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 no. State-mandated local program: yes no.~~

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

1     ~~SECTION 1. Section 43023 is added to the Health and~~  
 2     ~~SECTION 1. Section 65850.6 is added to the~~  
 3     ~~Government Code, to read:~~  
 4     ~~65850.6. Notwithstanding any other provision of law,~~  
 5     ~~development of commercial structures, including, but~~  
 6     ~~not limited to, restaurants, offices, hotels, or motels, shall~~  
 7     ~~be permitted on the water-side of the project levees on~~  
 8     ~~the Sacramento River adjacent to 4350 Riverside~~  
 9     ~~Boulevard in the City of Sacramento if it conforms to all~~  
 10    ~~of the following development standards:~~  
 11    ~~(a) Structures may not be constructed on a levee~~  
 12    ~~section or within 10 feet of a levee toe.~~  
 13    ~~(b) Structures shall be securely anchored and~~  
 14    ~~flood-proofed to at least three feet above the 100-year~~  
 15    ~~flood elevation or three feet above the design flood plain,~~  
 16    ~~whichever is higher. The flood-proofing shall be~~  
 17    ~~consistent with potential uses of the structure.~~



1 (c) Structures shall be located and oriented to have  
2 minimal impact on flood flows.

3 (d) The number of structures permitted is limited to  
4 the minimum reasonably necessary to accomplish an  
5 appropriate land use activity as determined by the local  
6 land use planning agency.

7 SEC. 2. Due to the unique facts and circumstances  
8 relative to the development of the Sacramento River, the  
9 Legislature finds and declares that a general statute  
10 cannot be made applicable within the meaning of Section  
11 16 of Article IV of the California Constitution.

12 ~~Safety Code, to read:~~

13 ~~43023. On and after January 1, 2003, gasoline~~  
14 ~~containing methyl tertiary-butyl ether (MTBE) may not~~  
15 ~~be sold in this state.~~

16 ~~SEC. 2. Section 43024 is added to the Health and~~  
17 ~~Safety Code, to read:~~

18 ~~43024. Notwithstanding Section 7550.5 of the~~  
19 ~~Government Code, commencing April 1, 2000, the State~~  
20 ~~Energy Resources Conservation and Development~~  
21 ~~Commission shall submit quarterly reports to the~~  
22 ~~Legislature summarizing the amount of methyl~~  
23 ~~tertiary-butyl ether (MTBE) used in gasoline in this state~~  
24 ~~by each refinery during the preceding quarter and~~  
25 ~~comparing that amount to the amount of MTBE used in~~  
26 ~~gasoline by each refinery during the previous quarter.~~

27 ~~SEC. 3. No reimbursement is required by this act~~  
28 ~~pursuant to Section 6 of Article XIII B of the California~~  
29 ~~Constitution because the only costs that may be incurred~~  
30 ~~by a local agency or school district will be incurred~~  
31 ~~because this act creates a new crime or infraction,~~  
32 ~~eliminates a crime or infraction, or changes the penalty~~  
33 ~~for a crime or infraction, within the meaning of Section~~  
34 ~~17556 of the Government Code, or changes the definition~~  
35 ~~of a crime within the meaning of Section 6 of Article~~  
36 ~~XIII B of the California Constitution.~~

