

AMENDED IN SENATE JULY 1, 2008  
AMENDED IN ASSEMBLY MAY 8, 2008  
AMENDED IN ASSEMBLY APRIL 22, 2008  
AMENDED IN ASSEMBLY APRIL 1, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2988**

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**Introduced by Assembly Member Feuer**

February 22, 2008

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An act to add Section 21065.1 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2988, as amended, Feuer. Environmental quality: exemption: electric power purchase contract.

(1) The California Environmental Quality Act (CEQA) requires the lead public agency, as defined, after the conduct of an initial study, to prepare a negative declaration or an environmental impact report for a proposed project. The act exempts certain specified projects from the act's requirements.

This bill would redefine the term "project" to exclude the approval of a contract for electric power from specified powerplants meeting specified requirements. Because this bill would require a lead agency, which includes a local agency, to determine whether a contract for electric power *is* a project under CEQA and would require a local agency to provide notice of exemption, the bill would ~~increase the level of services provided by a local agency, thereby imposing~~ *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 21065.1 is added to the Public Resources  
2 Code, to read:

3 21065.1. (a) A project does not include the approval of a  
4 contract for electric power from a facility that would exclusively  
5 use biomass, solar thermal, photovoltaic, wind, geothermal, small  
6 hydroelectric generation of 30 megawatts or less, digester gas,  
7 landfill gas, ocean wave, ocean thermal, or tidal current to generate  
8 electric power if the issuance of a permit for construction of the  
9 facility from which the electric power is generated is subject to  
10 the requirements of this division.

11 (b) *Subdivision (a) does not imply that approval of other*  
12 *contracts may or may not be a project under this division.*

13 SEC. 2. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution because  
15 a local agency or school district has the authority to levy service  
16 charges, fees, or assessments sufficient to pay for the program or  
17 level of service mandated by this act, within the meaning of Section  
18 17556 of the Government Code.