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AB-342 Public lands: leasing: oil and gas: prohibition. (2019-2020)

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Assembly Bill No. 342

CHAPTER 769

An act to add Section 6827.5 to the Public Resources Code, relating to public lands.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 342, Muratsuchi. Public lands: leasing: oil and gas: prohibition.

Existing law authorizes the State Lands Commission to let leases for the extraction and removal of oil and gas deposits from state lands, including tidelands or submerged lands, in accordance with specified provisions of law. Existing law vests exclusive jurisdiction over ungranted tidelands and submerged lands owned by the state to the State Lands Commission. Existing law confers the powers of the State Lands Commission as to leasing or granting of rights or privileges to lands owned by the state upon a local trustee of granted public trust lands to which those lands have been granted.

This bill, notwithstanding the leasing authority described above or any other law, and to the extent not prohibited by federal law, would prohibit any state agency, department, or commission, or any local trustee, as defined, with leasing authority over public lands within the state from entering into any new lease or other conveyance authorizing new construction of oil- and gas-related infrastructure upon public lands, including tidelands and submerged lands, to support production of oil and natural gas upon federal lands that are designated as, or were at any time designated as, federally protected lands, as defined. The bill would provide that these provisions do not prevent specified activities, including, among others, any activity undertaken to convey oil or natural gas produced from state lands or waters.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6827.5 is added to the Public Resources Code, to read:

6827.5. (a) Notwithstanding Article 3 (commencing with Section 6851), Article 4 (commencing with Section 6870), or any other law, and to the extent not prohibited by federal law, any state agency, department, or commission, or any local trustee, with leasing authority over public lands within the state shall not enter into any new lease or other conveyance authorizing new construction of oil- and gas-related infrastructure upon public lands, including tidelands and submerged lands, to support production of oil and natural gas upon federal lands that are designated as, or were at any time designated as, federally protected lands.

(b) Nothing in this section shall prohibit either of the following:

(1) Any activity undertaken to repair, relocate, or maintain any pipeline or other infrastructure used to convey oil or natural gas or any other activity necessary to ensure the safe operation of infrastructure used in the exploration, development, or production of oil or natural gas.

(2) Any activity undertaken to convey oil or natural gas produced from state lands or waters.

(c) State agencies, departments, and commissions with leasing authority over public lands may establish regulations for the implementation of this section.

(d) This section does not impair or affect, in any way, valid leases that are in effect as of January 1, 2020.

(e) For purposes of this section, the following definitions apply:

(1) "Federally protected land" means land designated as a national monument, park, wilderness area, wildlife refuge, or wilderness study area.

(2) "Local trustee" means a local trustee of granted public trust lands that is a county, city, or district, including water, sanitary, regional park, port, or harbor districts, or any other local political or corporate subdivision that has been granted public trust lands through a legislative grant.