

CHAPTER 855

An act to amend Section 30261 of the Public Resources Code, and to add Chapter 10 (commencing with Section 5550) to Division 2 of the Public Utilities Code, relating to a liquefied natural gas terminal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1977. Filed with Secretary of State September 17, 1977.]

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

SECTION 1. Section 30261 of the Public Resources Code is amended to read:

30261. (a) Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oilspills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

(b) Because of the unique problems involved in the importation, transportation, and handling of liquefied natural gas, the location of terminal facilities therefor shall be determined solely and exclusively as provided in Chapter 10 (commencing with Section 5550) of Division 2 of the Public Utilities Code and the provisions of this division shall not apply unless expressly provided in such Chapter 10.

SEC. 2. Chapter 10 (commencing with Section 5550) is added to Division 2 of the Public Utilities Code, to read:

CHAPTER 10. LOCATING, CONSTRUCTING, AND OPERATING A LIQUEFIED NATURAL GAS TERMINAL

Article 1. Findings and Short Title

5550. This chapter shall be known and may be cited as the Liquefied Natural Gas Terminal Act of 1977.

5551. The Legislature finds as follows:

(a) That an adequate supply of natural gas is essential to the economy of California and to the health and welfare of its residents.

(b) That the importation of liquefied natural gas from south Alaska and Indonesia into California may be a significant means of assuring that adequate and reliable supplies of natural gas are obtained in sufficient quantities to meet the state's needs and to prevent natural gas shortages which would disrupt the state's economy, increase air pollution, and impose personal and financial hardships on all of the state's residents.

(c) That an initial liquefied natural gas terminal may currently be needed in order to permit the importation of sufficient natural gas to prevent shortages which have been predicted to occur in the early 1980's.

(d) That, in order to expedite the siting, construction, and operation of such liquefied natural gas terminal so that serious shortages of natural gas do not occur, it is necessary to vest exclusively in one state agency the authority to issue a single permit authorizing the location, construction, and operation of such terminal, and to establish specific time limits for a decision on applications for such permit.

5552. The Legislature further finds and declares that current uncertainties about the safety of liquefied natural gas require that the single terminal authorized by this chapter be located at a site remote from human population in order to provide the maximum possible protection to the public against the possibility of accident. The Legislature declares that the finding stated in this section applies only to the terminal authorized by this chapter. Such finding is not intended to be, and shall not be construed as, applicable to any additional terminals which may be authorized at a future date.

Article 2. Definitions

5555. Unless the contrary is stated or clearly appears from the context, the definitions set forth in this article shall govern the construction of this chapter.

5556. "Coastal commission" means the California Coastal Commission, as specified and defined in subdivision (a) of Section 30105 of the Public Resources Code.

5557. "Commission" means the Public Utilities Commission.

5558. "Energy commission" means the State Energy Resources Conservation and Development Commission established pursuant to the provisions of Division 15 (commencing with Section 25000) of the Public Resources Code.

5559. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account: (a) economic, environmental, social, technological, safety, and reliability factors, (b) gas supply contracts, (c) gas supply and demand forecasts, (d) federal regulatory requirements, and (e) alternative sources of natural gas.

5560. "High priority requirements for natural gas" means those requirements that, when satisfied, will maintain employment,

essential residential consumption levels, and air quality.

5561. "Liquefied natural gas" or "LNG" means natural gas cooled to minus 259 degrees Fahrenheit so that it forms a liquid at approximately atmospheric pressure.

5562. "Liquefied natural gas terminal," "terminal," or "LNG terminal," means facilities designed to receive liquefied natural gas from ocean-going vessels, including those facilities required for storage and regasification of the liquefied natural gas and those pipelines and facilities necessary for the transmission of the regasified natural gas to the point of interconnection with existing pipelines.

5563. "Local government" means any city, county, or city and county, whether chartered or general law, and any district.

5564. "Offshore" means any location seaward of the mean high tide line of mainland California, including all islands.

5565. "Onshore" means any location on the mainland of California landward of the mean high tide line.

5566. "Permit" means the single authorization provided pursuant to this chapter to construct and operate an LNG terminal in this state.

5567. "Person" means any individual, organization, partnership, or other business association or corporation, and the federal government, the state government, and any local government, and any agency or instrumentality thereof.

5568. "Population," as used in the term "population density," means permanent residents who have resided for not less than six months in a permanent dwelling, and persons who work in an area on a permanent, year round basis, exclusive of persons who would be employed at a terminal or at associated industries that make substantial use of byproducts of LNG processing, such as industries that utilize waste cold.

5569. "State government" means the State of California or any agency, board, commission, or instrumentality thereof.

5570. "District" means an agency of the state, other than a city or county, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "District" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area.

Article 3. General Provisions

5580. In order to implement the policy stated in subdivision (c) of Section 5551, on or before July 31, 1978, the commission shall issue a decision on an application for a permit to construct and operate an LNG terminal. After the effective date of this chapter, no person shall construct and operate an LNG terminal without obtaining a permit pursuant to the provisions of this chapter.

5581. In order to implement the policy stated in subdivision (d)

of Section 5551, the issuance of a permit by the commission shall be in lieu of any other permit, license, certificate, or other entitlement for use required by any agency of state or local government for the construction or operation of an LNG terminal, to the extent permitted by federal statute or regulation or any federal-state agreement relating to water discharge permits. Also, to the extent permitted by federal statute or regulation, the permit shall also be in lieu of any other permit, license, certificate, or other entitlement for use issued by any agency, department, or instrumentality of the federal government.

5582. (a) In order to implement the policy stated in Section 5552, the following criteria shall apply to the terminal to be authorized by this chapter:

(1) Population density shall be not greater than an average of 10 persons per square mile for a distance of one mile outside the perimeter of the site on which the offloading, regasification, and storage facilities for LNG will be located.

(2) Population density shall be not greater than an average of 60 persons per square mile for a distance of four miles outside the perimeter of the site on which the offloading, regasification, and storage facilities for LNG will be located.

(3) The terminal shall be located so that no marine vessel transporting LNG would be required or permitted in the normal course of marine operations, according to the plan of operations filed by the applicant pursuant to subdivision (b) of Section 5601, to pass closer to areas of population density than the distances specified in paragraphs (1) and (2).

(b) For the sole purpose of selecting the site for the terminal, "population density" shall be established as of the effective date of this chapter. However, the commission may issue a permit to construct and operate a terminal on any site it determines will meet, through the imposition of reasonable terms and conditions or the exercise of the power of eminent domain, the population density requirements of this section at the time the operation of the terminal is commenced.

5583. (a) After the commission has issued a permit for a terminal pursuant to the provisions of this chapter, neither the state government nor any local government shall undertake any development or grant any permit for development which would not conform to the distance and density requirements of Section 5582 or which would otherwise be incompatible with the development or operation of the terminal. The requirements of this section are hereby found necessary in order to protect the public health, safety, and welfare.

As used in this subdivision "development" shall have the same meaning as in Section 30106 of the Public Resources Code.

(b) In order to implement the provisions of subdivision (a) in an orderly and effective manner and to ensure proper planning for uses compatible with the development and operation of the terminal,

local governments and the coastal commission shall undertake appropriate planning through the appropriate local coastal program required pursuant to Chapter 6 (commencing with Section 30500) of Division 20 of the Public Resources Code.

5584. The storage and regasification facilities of the terminal authorized by this chapter shall be located onshore. The trestle and related facilities of such terminal may be located onshore and offshore as necessary.

5585. The permit authorized by this chapter shall apply only to a terminal to receive, store, and regasify liquefied natural gas derived from gas produced in Indonesia and south Alaska. Such terminal's average daily input capacity shall not exceed the gaseous equivalent of 1.3 billion cubic feet, and its LNG storage capacity shall not exceed 1.65 million barrels.

5586. The commission shall charge each person who applies for a permit pursuant to this chapter a fee which will be sufficient to reimburse the commission for the costs incurred in processing the application and rendering a decision as required by this chapter. Such costs shall include costs incurred by the coastal commission in complying with the requirements of Article 5 (commencing with Section 5610) but not costs incurred in complying with the requirements of Article 7 (commencing with Section 5650). Such costs shall also include costs incurred by the commission and the energy commission in complying with the provisions of Section 5637 but not those costs incurred in complying with Section 5587.

5587. (a) In order to assist the commission in carrying out the provisions of this chapter, it shall, on receipt of an application to construct and operate a terminal, request of the energy commission, and such commission shall provide, a study of natural gas supplies and demand in this state. Such study shall include a forecast of the approximate time when significant curtailment of high priority requirements for natural gas is likely to occur without the importation of liquefied natural gas.

(b) In making the study required by subdivision (a), the energy commission shall take into account all supplemental sources of natural gas and natural gas alternatives which can reasonably be expected to be available to meet the state's demands for natural gas, including, but not limited to, conservation programs, increased production from natural gas wells in this state, and the availability of natural gas from federally owned or federally regulated supplies.

(c) The study required by this section shall be submitted to the commission not later than March 15, 1978.

(d) The study required by this section shall be part of the commission's record regarding gas supply and demand for purposes of any decision on the permit authorized by this chapter.

5588. The provisions of Chapter 9 (commencing with Section 1701) of Part 1 of Division 1, relating to hearings held by the commission and to judicial review of decisions rendered by the commission, shall apply to all hearings by the commission held

pursuant to this chapter and to any decision made by the commission pursuant to this chapter to issue a permit for the construction and operation of a terminal.

5589. In no event shall any person filing any application for, or receiving, a permit pursuant to the provisions of this chapter be deemed a public utility or a gas corporation pursuant to the provisions of this code solely because of the application for, or receipt of, a permit pursuant to this chapter.

5590. The construction and operation of an LNG terminal, related facilities, and access roads and the creation and maintenance of an area of low population density surrounding the terminal are public uses and purposes for which the power of eminent domain may be exercised pursuant to Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure.

A person who has an application for a permit to construct and operate an LNG terminal on file with the commission or a person who holds such a permit shall have the power of eminent domain and the right to acquire property for all of the following public purposes with respect to both its proposed terminal site and, if different, the permitted terminal site:

(a) The construction and operation of the terminal, access roads, lines, and appurtenant or related facilities necessary for the construction, operation, or maintenance of the terminal.

(b) Restricting population density and structures in the area surrounding the terminal site in order to provide and maintain conformance with the population density requirements of Section 5582.

(c) Making reasonable reductions in population density and structures in the area surrounding the terminal site in order to provide and maintain conformance with the population density requirements of Section 5582.

5591. Because of the necessity for an expeditious decision regarding a terminal, and for the purposes specified in Article 7 (commencing with Section 5650) of this chapter, the requirements of Sections 11042, 13070, 14615, 14780, and 14782 of the Government Code shall not apply to the activities of the commission and the coastal commission that are required pursuant to this chapter. Further, the commission and the coastal commission may, for the purposes of this chapter, make temporary appointments of personnel for a maximum period of service of 18 months, without regard for the provisions of Chapter 6 (commencing with Section 19050) of Part 2 of Division 5 of Title 2 of the Government Code.

5592. All state agencies shall cooperate with and, at the request of the commission or the coastal commission, shall execute interagency agreements to assist the commission or the coastal commission in evaluating any site identified pursuant to Article 5 (commencing with Section 5610). Costs incurred by any state agency as the result of such an interagency agreement shall be paid by the commission or the coastal commission and shall be reimbursed from

fees collected pursuant to the provisions of Section 5586.

The reimbursement requirements of this section shall not apply to the study to be performed by the energy commission pursuant to the provisions of Section 5587.

5593. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

5594. All dates specified in this chapter for the submission of studies, reports, and decisions are mandatory.

5595. (a) Notwithstanding the provisions of Section 5581, if it is necessary to obtain a lease, easement, or other interest in real property from the State Lands Commission in order to construct and operate a terminal, a lease shall be obtained from the State Lands Commission for such property interest. The Legislature hereby finds and declares that leasing of state lands for the purpose of constructing and operating a terminal is in the public interest; and that if such lease is required to construct and operate a terminal, the State Lands Commission shall issue such lease.

(b) Any lease issued by the State Lands Commission pursuant to subdivision (a) shall be a standard general form lease containing only standard covenants. The State Lands Commission shall establish the annual rent for the leased lands pursuant to the authority of Section 6503 of the Public Resources Code.

(c) Upon receipt of an application for a terminal pursuant to this chapter, the commission shall immediately forward a copy thereof to the State Lands Commission.

(d) In issuing any lease pursuant to this section or taking any action related thereto, the State Lands Commission shall be exempt from the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

Article 4. Application for Permit

5600. Any application for the permit authorized by this chapter shall be filed with the commission not later than 30 days after the effective date of this chapter.

5601. The permit application shall contain the following information:

(a) Information, including maps and pictorial and written descriptions of present and proposed development for the site and relevant geological, archeological, aesthetic, ecological, seismic, marine transport, and population data. The maps shall designate the location of the perimeter of the LNG offloading, regasification, and storage site from which the population density criteria specified in Section 5582 shall be measured.

(b) A detailed description of the proposed engineering design features, proposed methods of construction, and proposed operating

procedures for the terminal and a proposed plan for marine operations, including shipping routes and control procedures.

(c) An analysis of accident possibilities, consequences and risks for the terminal.

(d) Information regarding safety and public protection features, including fire protection measures, marine navigational systems, emergency systems for shutting down the terminal, and other contingency plans for accidents.

(e) Information regarding the cost of the terminal, fuel consumption in operating terminal equipment, service life of the terminal, and capacity of the terminal.

(f) Information regarding the source of liquefied natural gas, including the contractual terms for the delivery of such gas supplies.

(g) A description of any proposed or existing natural gas transmission lines related to the proposed terminal, including a map, in suitable scale, of the routing that shows details of the right-of-way in the vicinity of populated or developed areas, parks, and recreational areas; the justification for the route; and a preliminary statement of the effect of any proposed natural gas transmission line on the environment.

(h) A description of contingency plans for equivalent volumes of natural gas in the event of both short- and long-term interruptions of the LNG supply system for the proposed terminal.

(i) A description of the proposed method of financing the terminal and analysis of the rate impact thereof on natural gas consumers in this state.

(j) The applicant's legal opinion regarding the rights this state has, or can assert, under federal law (1) that will assure the allocation of adequate supplies of natural gas to consumers in this state from sources other than the terminal to be permitted pursuant to this chapter and (2) that will assure consumers in this state full and fair compensation for any losses of supplies of natural gas costing less than gas converted from LNG that may result from federal allocation policies.

(k) Any other information which the applicant deems necessary or desirable to support its application and better inform the commission and the public.

5602. At any time after the filing of the application, the commission may require the applicant to furnish such additional, relevant information as may be necessary to carry out the purposes of this chapter.

Article 5. Coastal Commission

5610. On receipt of an application for a permit to construct and operate a terminal, the commission shall immediately transmit a copy thereof to the coastal commission for review and evaluation.

5611. In order that the coastal commission carry out its responsibilities as required by this chapter in the most expeditious

manner, on the effective date of this chapter, such commission shall commence a study to identify and evaluate potential onshore sites for an LNG terminal. The study shall include an evaluation of only the following sites: (1) any site proposed in an application submitted pursuant to this chapter for a permit to construct and operate an LNG terminal and (2) any onshore sites proposed by any person for inclusion as an appropriate alternate site in the environmental impact report prepared by the commission pursuant to the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, the final report required by Section 5612 shall include an evaluation and ranking of the proposed site applied for and, in addition, shall include an evaluation and ranking of only those alternative sites that the coastal commission determines to include in such report as a result of applying the policies of this chapter.

5612. (a) Not later than May 31, 1978, the coastal commission shall complete and transmit to the commission its final report evaluating and ranking the sites pursuant to Section 5611. Such report shall be deemed a recommendation to the commission. Such report shall include a transcript of hearings held by the coastal commission and a copy of all relevant files, including exhibits.

(b) Not later than February 1, 1978, the coastal commission shall submit to the commission a report containing a preliminary ranking and evaluation of the terminal sites being studied pursuant to Section 5611, if a preliminary ranking can be made on such date. Such preliminary report may constitute a staff report and need not be preceded by public hearing. It is the intent of the Legislature in requiring this preliminary report to assure notice to the commission of sites being considered by the coastal commission and that such report not be binding on the coastal commission in any respect for purposes of the final report required by subdivision (a).

5613. (a) In ranking potential LNG terminal sites as required by Sections 5611 and 5612, the coastal commission shall base its ranking on an evaluation of the relative merit of each such site and shall make findings, applying the policies, goals, and objectives of Chapter 3 (commencing with Section 30200) of Division 20 of the Public Resources Code.

(b) For each site it evaluates and ranks in the final report required by subdivision (a) of Section 5612, the coastal commission shall recommend terms and conditions in order to ensure that the construction and operation of a terminal at such site will be in accordance with the policies, goals, and objectives specified in subdivision (a).

5615. Prior to the adoption of the final report required by subdivision (a) of Section 5612, the coastal commission shall hold at least one public hearing in each county in which a potential site for an LNG terminal proposed for inclusion in such report is located.

5616. In order to carry out its responsibilities under this chapter, the coastal commission, its staff, and any persons under contract to

the coastal commission shall have the authority to exercise the powers granted city and county planning agency personnel pursuant to Section 65103 of the Government Code, but such powers may be exercised only in the presence of planning agency personnel from a city or county within whose jurisdiction the potential site is located.

5617. The provisions of Division 13 (commencing with Section 21000) of the Public Resources Code shall not apply to any report of the coastal commission required by this article.

5618. The coastal commission may use a hearing officer to assist it in carrying out any of its responsibilities under this article.

5619. Any activity undertaken by a person which is necessary to evaluate and rank a potential site for an LNG terminal, as required by this chapter, shall not be a "development" for the purposes of Section 30106 of the Public Resources Code.

Article 6. Permit to Construct and Operate the LNG Terminal

5630. Not later than July 31, 1978, the commission shall issue a decision on the application for a permit to construct and operate an LNG terminal pursuant to this article.

5631. (a) The commission shall not issue a permit for construction and operation of a terminal at any site not evaluated and ranked by the coastal commission pursuant to Section 5612.

(b) If the commission issues a permit, the commission shall issue a permit for construction and operation at the site designated as the highest ranked site pursuant to Section 5612. However, the commission may select a lower ranked site if it has determined with respect to each higher ranked site that it is not feasible to complete construction and commence operations of the terminal at such higher ranked site in sufficient time to prevent significant curtailment of high priority requirements for natural gas and that approval of the lower ranked site will significantly reduce such curtailment.

5632. The commission shall not issue a permit for construction and operation at any site unless it finds to do so is consistent with public health, safety, and welfare and may impose such conditions on the issuance of a permit as may be necessary or appropriate to ensure the public health, safety, and welfare.

5633. If the commission issues a permit for construction and operation, it shall impose as a condition of such permit each term and condition recommended by the coastal commission for the selected site pursuant to Article 5 (commencing with Section 5610) unless the commission first finds with respect to each term or condition any of the following:

(a) Imposition of the term or condition will cause delays in commencement of terminal operations that will result in significant curtailment of high priority natural gas requirements and that deletion or modification of the term or condition will avoid or significantly reduce such curtailment.

(b) The report of the coastal commission recommending the term or condition was not based on substantial evidence, considering the record as a whole.

(c) Imposition of the term or condition will adversely affect public health or safety.

5634. In the event that the commission's decision is to issue a permit for the construction and operation of a terminal at a site not specified in an application submitted pursuant to this chapter, the applicant may amend such application to specify such other site. In such an event the commission shall transmit to the coastal commission, for its review, the conceptual design of the terminal at such site, as included in such amended application; and within 60 days the coastal commission shall recommend appropriate terms and conditions for any permit proposed to be issued with respect to such site. Any terms and conditions recommended pursuant to this section shall be subject to the provisions of Section 5633.

5635. (a) For all purposes of this chapter, the commission shall be the lead agency for the purpose of complying with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(b) In fulfilling its responsibilities pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code, the commission is authorized, upon payment of appropriate consideration, to become the successor in interest to any local government or state agency which may currently have outstanding contracts which are germane to the commission's responsibilities under this section.

5636. (a) Prior to issuance of a permit to construct and operate a terminal, the commission shall hold at least one public hearing in the city or county where the terminal is proposed to be located.

(b) To the greatest extent possible, the commission shall expeditiously provide information to such city or county and cooperate with requests for information to enable the city or county to develop and present recommendations in a timely fashion.

(c) The city or county within whose jurisdiction the terminal is proposed to be located may hold public hearings on the proposed terminal.

(d) Such city or county may make appropriate recommendations to the commission, including, but not limited to, recommendations regarding safety, protection of the environment, and local land use. Such recommendations shall be submitted to the commission not later than May 15, 1978.

5637. The commission shall adopt regulations governing the safety and construction of the terminal. In adopting such regulations the commission shall contract with the energy commission, and shall consult with the Division of Industrial Safety of the Department of Industrial Relations and with any other relevant state or federal agency, for the provision of such information as the commission may require.

The commission shall establish a monitoring system to ensure that any terminal authorized pursuant to this chapter is constructed and operated in compliance with all applicable regulations adopted and terms and conditions established pursuant to this chapter.

5638. The commission shall monitor costs incurred in the construction, or in the preparation for construction, of any terminal subject to this chapter in order to determine if the costs are in the best interests of the ratepayers. Such monitoring may commence prior to the issuance of a permit pursuant to this chapter.

5639. No provision of this article shall be construed to abridge or limit in any manner the jurisdiction of the Division of Industrial Safety of the Department of Industrial Relations conferred pursuant to Division 5 (commencing with Section 6300) of the Labor Code. Notwithstanding the provisions of Section 7624 of the Labor Code, all matters relating to LNG storage tanks shall be within the jurisdiction of the Division of Industrial Safety, except for those provisions pertaining to the issuance of permits.

Article 7. Additional Studies

5650. Not later than 12 months after the effective date of this chapter, the coastal commission shall complete a final study of potential offshore sites and types of terminals for such sites. Such study shall indicate the most appropriate offshore terminal site or sites, in the coastal commission's judgment, together with the most appropriate type or types of terminals for each such site.

The results of such study shall be transmitted to the commission, to the energy commission, to the Governor, and to each house of the Legislature.

SEC. 3. The Legislature declares that this act is not intended and should not be construed as expressing the position of the State of California on any currently pending proposal for delivering natural gas from the north slope of the State of Alaska to the remainder of the continental United States. The State of California proposes to determine state policy for siting of appropriate liquefied natural gas terminals subsequent to such time as the President and the Congress of the United States may decide to transport such natural gas in liquefied form.

SEC. 4. The sum of two million eight hundred eighty thousand dollars (\$2,880,000) is hereby appropriated from the General Fund to the following agencies for expenditure, without regard to fiscal years, pursuant to the following schedule:

Schedule:

(a) The sum of one million two hundred twelve thousand dollars (\$1,212,000), for expenditure by the California Coastal Commission for the study required by Article 7 (commencing with Section 5650) of Chapter 10 of Division 2 of the Public Utilities Code.

(b) The sum of one million six hundred sixty-eight thousand dollars (\$1,668,000), for expenditure by the California Coastal

Commission and the Public Utilities Commission to meet initial operating costs required by such Chapter 10; provided, however, that moneys appropriated for such operating costs shall be repaid to the General Fund out of fees authorized to be imposed by such Chapter 10.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A comprehensive state regulatory process for liquefied natural gas terminals is urgently needed in view of impending plans by private industry to construct such terminals. Failure to establish such a regulatory process immediately may well result in the construction of terminals which, due to their location and technology, pose an immediate and unalterable threat to the preservation of the public peace, health, or safety. Therefore, it is necessary that this act take effect immediately.

CHAPTER 856

An act to add Section 38224 to the Health and Safety Code, relating to developmental disabilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1977. Filed with Secretary of State September 17, 1977.]

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

SECTION 1. Section 38224 is added to the Health and Safety Code, to read:

38224. (a) A qualified physician and surgeon who diagnoses a developmental disability, as defined in subdivision (a) of Section 38010, of a patient who is a minor shall attempt to determine from the patient, the parents or guardian of the patient, or the regional center for the area whether such person has been previously referred to the regional center for the area. If the patient has not been previously referred to the regional center, the physician and surgeon shall inform a parent or the guardian of the patient of the existence of the regional center for the area, its address and telephone number, and shall describe to such person the services available through the regional center, and shall, upon request of the

parent or guardian of the patient, refer in writing the patient through his parent or guardian to the regional center. Upon obtaining the consent of the patient's parent or guardian, the physician and surgeon shall notify the regional center of such referral.

For the purposes of this section, "qualified physician and surgeon" means those physicians and surgeons who have recognized and accredited training and a specialized pediatric practice in childhood disabilities.

(b) Each regional center shall maintain a record of every developmentally disabled person under the age of 18 years known by the regional center to have been referred to it for its services, whether or not services are actually provided.

(c) The state department shall transmit a copy of this section and of subdivision (a) of Section 38010 to every physician and surgeon licensed to practice in this state and every general acute care hospital licensed under Chapter 2 (commencing with Section 1250) of Division 2. A list of the name and address of each regional center and such other pertinent information as the state department deems appropriate shall also be transmitted, both in English and Spanish.

(d) It is not the intent of the Legislature in enacting this section to prevent any physician and surgeon subject to subdivision (a) from providing care or treatment to a developmentally disabled minor or to deprive developmentally disabled minors of adequate care provided through sources other than a regional center.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

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

In order that the provisions of this act establishing a referral procedure may be added at the earliest opportunity to the Lanterman Developmental Disabilities Services Act which was repealed and added by Chapters 1364 to 1373, inclusive, of the Statutes of 1976, it is necessary that this act take effect immediately.

CHAPTER 857

An act to amend Section 12020 of the Penal Code, relating to weapons.

[Approved by Governor September 16, 1977. Filed with Secretary of State September 17, 1977.]