

CALIFORNIA COASTAL COMMISSION

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February 20, 1997

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
James W. Burns, Chief Deputy Director
Jeffrey Stump, Legislative Coordinator

SUBJECT: **LEGISLATIVE REPORT FOR MARCH 1997**

CONTENTS:

This report provides summaries and the status of bills that staff has identified as priority issues for the 1996 Legislative session.

Note: New legislation must be introduced by **February 28, 1997**.

This information can be accessed through the Commission's World Wide Web Homepage at <http://ceres.ca.gov/coastalcomm/index.html>

Please contact Jeff Stump, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

PRIORITY LEGISLATION

AB 93 (Lempert) Highways: Tunnels

AB 93 would require the California Department of Transportation to immediately initiate design and all other project development work for the construction of a tunnel in San Mateo County on State Highway Route 1 behind Devil's Slide through San Pedro Mountain.

Introduced	01/06/97
Last Amend	None
Status	Introduced

AB 198 (Wayne) California Coastal Commission: Appointments

AB 198 would revise Coastal Commissioner appointment procedures to clarify that, in regions composed of 3 counties, the board of supervisors and the city selection committee in each county within the region nominate one or more supervisors and one or more city council members. The bill would require all regional nominations to be made within 45 days from the date of receipt of a request for nominations by the appointing authority and would decrease to 45 days the time within which the names of additional nominees must be sent to the appointing authority following rejection of the original nominations.

Introduced	02/03/97
Last Amend	None
Status	Introduced

SB 2 (Thompson) Parks and Resources Improvement: Bond Act.

SB 2 would enact the Parks and Resources Improvement Bond Act of 1998 which, if adopted, would authorize, for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, delta, river, and coastal resources, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$495,000,000.

Introduced	12/09/96
Last Amend	02/07/97
Status	Passed Senate Natural Resources and Wildlife Committee (7-0)

SB 62 (McPherson) California State Mussel Watch Program

SB 62 would require the State Water Resources Control Board, in conjunction with the Department of Fish and Game, to continue to implement a long-term coastal monitoring program known as the California State Mussel Watch Program.

Introduced	12/09/96
Last Amend	None
Status	Introduced

SB 65 (McPherson) Public Beaches: Contamination: Warning Signs

SB 65 would require, when a public beach has failed to meet bacteriological standards, that warning signs be visible from all beach access points.

Introduced	12/10/96
Last Amend	None
Status	Introduced

SB 72 (McPherson) Coastal Development Permit Fees: Coastal Access Grants

SB 72 would require that coastal development permit fees collected by the Commission be deposited in a coastal access account, which would be created in the State Coastal Conservancy Fund, for grants to public agencies and nonprofit entities or organizations for the development, maintenance and operation of new and existing facilities that provide public access to the sea. This bill would result in approximately \$600,000 being appropriated to public access grants in fiscal year 97-98.

Introduced	12/11/96
Last Amend	None
Commission Position	SUPPORT
Status	Passed Senate Natural Resources and Wildlife Committee (7-0)

SB 87 (O'Connell) Land and Water Conservation

SB 87 would enact the California Land and Water Conservation Act of 1997, pursuant to which the Secretary of the Resources Agency would implement a program under which qualified property, as defined, may be contributed to the state, any local government, as defined, or to any nonprofit organization designated by a local government, based on specified criteria in order to provide for the specified protection of wildlife habitat, open space, and agricultural lands. This bill would also authorize a credit, in an amount equal to the qualified percentage, as defined, of the fair market value of any qualified contribution, as defined, contributed during the taxable or income year.

Introduced	12/17/96
Last Amend	None
Status	Introduced

BILL NUMBER: AB 198
BILL TEXT

INTRODUCED 02/03/97

INTRODUCED BY Assembly Member Wayne

FEBRUARY 3, 1997

An act to amend Section 30301.2 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 198, as introduced, Wayne. Coastal resources: California Coastal Commission: appointments.

(1) Existing law, the California Coastal Act of 1976, establishes the California Coastal Commission, and prescribes procedures for the appointment of members to the commission by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly from among regional nominations.

In regions composed of 3 counties, the act requires the board of supervisors and the city selection committee in each county within the region to each nominate one or more supervisors or city council members.

The act also requires that, within 60 days from the date of receipt of a notice rejecting all nominees from a region, the boards of supervisors and city selection committees within the region nominate and send to the appointing authority the names of additional nominees.

This bill would revise those procedures to require that, in regions composed of 3 counties, the board of supervisors and the city selection committee in each county within the region nominate one or more supervisors and one or more city council members. The bill would require all regional nominations to be made within 45 days from the date of receipt of a request for nominations by the appointing authority and would decrease to 45 days the time within which the names of additional nominees must be sent to the appointing authority following rejection of the original nominations.

By imposing new duties on local governments with respect to the nomination of members to serve on the commission, the bill would 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

SECTION 1. Section 30301.2 of the Public Resources Code is amended to read:

30301.2. (a) The appointments of the Governor, the Senate Committee on Rules, and the Speaker of the Assembly, pursuant to subdivision ~~(e)~~ *(f)* of Section 30301, shall be made as prescribed in this section. ~~The boards~~ *Within 45 days from the date of receipt of a request for nominations by the appointing authority,* the board of supervisors and city selection committee of each county within the region shall nominate supervisors or *city* council members who reside in the region from which the Governor, the Senate Committee on Rules, or the Speaker of the Assembly shall appoint a replacement. In regions composed of three counties, the ~~boards~~ *board* of supervisors and the city selection committee in each county within the

region shall each nominate one or more supervisors ~~or~~ **and one or more city** council members. In regions composed of two counties, the ~~boards-board~~ of supervisors and the city selection committee in each county within the region shall each nominate not less than two supervisors and **not less than two city** council members. In regions composed of one county, the board of supervisors and ~~the~~ city selection committee in the county shall **each** nominate not less than three supervisors and **not less than three city** council members. Immediately upon selecting the nominees, the board of supervisors and ~~the~~ city selection committee shall send the names of the nominees to either the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, whoever will appoint the replacement.

(b) Within 30 days ~~after receiving from the date of receipt of~~ the names of the nominees pursuant to subdivision (a), the Governor, the Speaker of the Assembly, or the Senate Committee on Rules, whoever will appoint the replacement, shall either appoint one of the nominees or notify the boards of supervisors and city selection committees within the region that none of the nominees are acceptable and request the boards of supervisors and city selection committees to make additional ~~nominees-nominations~~. Within ~~60~~ **45** days ~~after from the date of~~ receipt of a notice rejecting all the nominees, the boards of supervisors and city selection committees within the region shall nominate and send to the appointing authority **the names of** additional nominees ~~pursuant to in accordance with~~ subdivision (a). Upon receipt of the names of ~~the~~ **those additional** nominees, the appointing authority shall appoint one of the nominees.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

BILL NUMBER: AB 93
BILL TEXT

INTRODUCED 01/06/97

INTRODUCED BY Assembly Member Lempert
(Coauthor: Senator Sher)

JANUARY 6, 1997

An act to add Section 154.5 to the Streets and Highways Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 93, as introduced, Lempert. Highways: tunnels.

(1) Existing law requires the Department of Transportation to plan, design, construct, operate, and maintain those transportation systems that the Legislature has made, or may make, the responsibility of the department, except as specified.

This bill would require the department to immediately initiate design and all other project development work for the construction of a tunnel in San Mateo County on State Highway Route 1 behind Devil's Slide through San Pedro Mountain.

The bill would require the department to complete an estimate of project costs for the tunnel as soon as possible, but not later than a specified date, and report its findings to the County of San Mateo.

The bill would require the department to pursue all sources of federal funds available, including, but not limited to, those funds available for emergency relief and those secured by the Congress of the United States, so that the project may be commenced on or before a specified date.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

SECTION 1. The Legislature finds and declares all of the following:

(a) State Highway Route 1 through northern San Mateo County has experienced continued disruption due to storms and weather-related emergencies.

(b) In 1983, United States Congressman Tom Lantos secured nearly fifty-two million dollars (\$52,000,000) in federal funds to repair State Highway Route 1 behind Devil's Slide through San Pedro Mountain, and, to date, that money has remained unspent.

(c) In November 1996, the people of San Mateo County approved Ballot Measure T by a majority vote of nearly 74 percent, calling for the construction of a tunnel through San Pedro Mountain as an alternative to a highway bypass on this portion of State Highway Route 1.

(d) The Department of Transportation has publicly stated that it has within its disposal emergency funds to construct a bypass on this portion of State Highway Route 1. Therefore, there should be funds available to complete construction of the tunnel.

(e) It is, therefore, the intent of the Legislature that all parties and permitting agencies work together to expedite the environmental review and permitting process for the tunnel project without exempting the project from any review and comment.

SEC. 2. Section 154.5 is added to the Streets and Highways Code, to read:

154.5. (a) Notwithstanding any other provision of law, the department shall immediately initiate design and all other project development work for the construction of a tunnel in San Mateo County on State Highway Route 1 behind Devil's Slide through San Pedro Mountain.

(b) The department shall complete an estimate of project costs as soon as possible, but not later than July 1, 1997, and report its findings to the County of San Mateo.

(c) The department shall pursue all sources of federal funds available, including, but not limited to, those funds available for emergency relief and those secured by the Congress of the United States, so that the project may be commenced on or before January 1, 1998.

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 the necessity are:

In order for the Department of Transportation to immediately initiate project development work for the construction of a tunnel through San Pedro Mountain and provide an estimate of project costs not later than July 1, 1997, to San Mateo County, it is necessary that this act take effect immediately.