

CALIFORNIA COASTAL COMMISSION

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July 9, 2008

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
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SUBJECT: LEGISLATIVE REPORT FOR JULY 2008

CONTENTS: This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal-related legislation.

Note: Information contained in this report is accurate as of 6/30/08. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date.¹ Current status of any bill may be checked by visiting the California Senate Homepage at www.senate.ca.gov. This report can also be accessed through the Commission's World Wide Web Homepage at www.coastal.ca.gov

Legislative Calendar

Feb. 22	Last day for bills to be introduced
March 13	Spring Recess begins upon adjournment
March 24	Legislature reconvenes
April 18	Last day for Policy Committees to hear and report 1 st House fiscal bills to the Floor
May 2	Last day for Policy Committees to hear and report 1 st House nonfiscal bills to the Floor
May 16	Last day for Policy Committees to meet prior to June 2
May 23	Last day for Fiscal Committees to hear and report fiscal bills to the Floor
May 27-30	Floor Session only. No committees may meet
May 30	Last day to pass bills from house of origin
June 2	Committee meetings may resume
June 3	Statewide Primary Election
June 15	Budget must be passed by midnight
June 27	Last day for Policy Committees to hear and report bills to the Floor from the second house
July 3	Summer Recess begins at the end of session if Budget Bill has been enacted
Aug. 4	Legislature reconvenes
Aug. 15	Last day for Fiscal Committees to meet and report bills to the Floor
Aug. 18-31	Last day to amend bills on the Floor
Aug. 31	Last day for any bill to be passed. Final Recess begins on adjournment of session
Sept. 30	Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1

¹ Terms used in this report relating to bill status. 1) "On Suspense" means bill is held in Appropriations because of potential costs to state agency. Bills usually heard by Appropriations near Fiscal Committee Deadline in June. 2) "Held in committee" means bill was not heard in the policy committee this year. 3) "Failed passage" means a bill was heard by policy committee but failed to get a majority vote. Reconsideration can be granted by the committee.

PRIORITY LEGISLATION

AB 1066 (Laird) Coastal resources; local coastal planning

This bill would require the Governor's Office of Planning and Research (OPR) to develop guidelines, in consultation with the Coastal Commission, relating to planning for sea level rise for local governments to use when updating their general plans. The bill would require the Ocean Protection Council to convene and inter-agency task force, which would include the Coastal Commission, to gather existing information on sea level rise projections to inform the OPR guidelines.

Introduced 02/23/07
Last Amended 07/03/07
Status Senate Appropriations Committee, Suspense File

AB 1074 (Houston) California State Conservation Permit

This bill would require the Secretary of the Resources Agency to establish the California State Conservation Permit, with a permit specific to each of the 7 regions of the Department of Fish and Game. The permit would apply to projects by private landowners to implement conservation measures that enhance and restore wildlife habitat, improve water quality and quantity, or protect endangered or threatened species; that complies with the Natural Resources Conservation Service's Conservation Practice Standards and Specifications; and that uses funds from specified federal programs.

Introduced 02/23/07
Last Amended 06/01/07
Status Senate Natural Resources and Water Committee

AB 1338 (Huffman) Public resources: local coastal programs: nonpoint source pollution

This bill was amended to address environmental license plates. The amendments clarify that a modification of an existing full-plate image specialty plate does not constitute a "new" plate under the definition of the Vehicle Code, Sections 5060 and 5155.

Introduced 02/23/07
Last Amended 06/17/08
Status Withdrawn from Senate Natural Resources and Water Committee. Re-referred to Rules Committee

Commission Position Support

AB 1776 (Devore) Energy: nuclear powerplants

This bill would repeal the current prohibition against building new nuclear power facilities in the state. This bill would allow new nuclear power facilities to be built, providing they are not located in active seismic areas. This bill would prohibit new nuclear power facilities with ocean outfalls for once-through-cooling within 5 miles of a designated Area of Special Biological Significance (ASBS). This bill would require the Energy Commission to consider dry-cask storage as an appropriate method of storage for radioactive nuclear waste.

Introduced 01/14/08
Last Amended 02/19/08
Status Failed Passage, Assembly Natural Resources Committee

AB 1850 (DeVore) Office of public-private partnerships

This bill would create the office of public-private partnerships within the Office of the Governor. The purpose would be to facilitate public-private partnerships for the construction and maintenance of state infrastructure.

Introduced 01/29/08
Status Failed Passage, Assembly Business and Professions Committee

AB 1991 (Mullin) Subdivisions: tentative maps

This bill would implement the terms of a negotiated settlement agreement between the City of Half Moon Bay and the owners of the Beachwood Subdivision. The terms of the settlement allow the development of 129 homes on 37 acres in Half Moon Bay; exclude the subject properties from the coastal zone and the Coastal Act, as well as CEQA, Porter Cologne, and the Fish and Game code.

Introduced 02/14/08
Last Amended 04/21/08
Status Withdrawn from Senate Local Government. Re-referred to Rules Committee
Commission Position Oppose

AB 2013 (Krekorian) New construction: water-permeable pavement

This bill would require the California Building Standards Commission to develop building standards for the use of semi-permeable materials for paved surfaces in new construction, during the next tri-annual update of the California Building Code.

Introduced 02/15/08
Last Amended 06/17/08
Status Senate Appropriations Committee

AB 2031 (Hancock) Oil spill prevention and response

This bill would amend the Lempert-Keene Oil Spill Prevention and Response Act to require the OSPR administrator to train and certify a local emergency responder designated as a "local spill response manager" by a local government with jurisdiction over or directly adjacent to marine waters. The bill would require the administrator to authorize a local spill response manager to train and certify volunteers to work under his or her direction. This bill would require the Office of Emergency Services to create and maintain a database of local spill response managers, who would provide the state onscene coordinator with timely information in the event of a spill. This bill would also require the Office of Emergency Services to notify appropriate local government agencies when an oil spill has occurred.

Introduced 02/15/07
Last Amended 06/18/08
Status Senate Environmental Quality Committee

AB 2032 (Hancock) Oil spill prevention and response

This bill would amend the Lempert-Keene Oil Spill Prevention and Response Act to increase the Oil Spill Response Fee, which is imposed on imported or extracted crude oil, from 0.05 cents to 0.08 cents per barrel.

Introduced 02/23/07
Last Amended 06/09/08
Status Senate Appropriations Committee

AB 2058 (Levine) Recycling: plastic carryout bags: paper carryout bags

This bill would prohibit any store from providing plastic carryout bags after 2011, unless the store can prove that it is meeting a 70% diversion rate. Stores who do not meet that rate could still provide plastic bags for a fee of 0.25 cents. This bill would prohibit any store from providing paper carryout bags unless they charge a fee of at least 0.25 cents. Monies collected would be used to improve recycling services.

Introduced 02/19/08
Last Amended 05/23/08
Status Senate Appropriations Committee

AB 2935 (Huffman) Oil spill prevention and response

This bill would require the Director of Fish and Game, within 24 hours of notification of an oil spill, to close affected state waters to the take of fish and shellfish, and to order testing to determine when the fish and shellfish are safe for human consumption before re-opening. The bill would also require the California Oil Spill Response Plan to consider the use of private working crafts and mariners for containment/clean up of oil spills.

Introduced 02/22/08
Last Amended 06/23/08
Status Senate Natural Resources and Water Committee

AJR 49 (Nava) California gray whales: assessment: protected

This measure would request the United States Congress and the President of the United States to call upon the National Marine Fisheries Service to undertake an immediate, comprehensive assessment of the California gray whale population and to add the California gray whale to the Federal Endangered Species List, if warranted by the comprehensive, scientific assessment.

Introduced 06/04/08
Last Amended 06/04/08
Status Senate Floor

Commission position Support

AJR 51 (Nava) Oil and gas: offshore leases: drilling: moratorium

This measure would request that Congress continue the existing federal offshore oil and gas leasing moratorium for the 2009 fiscal year and beyond, and would express the State's opposition to specified provisions of proposed federal energy policies and legislation.

Introduced 03/10/08
Last Amended 06/26/08
Status Assembly Natural Resources Committee.

SB 242 (Torlakson) Claims against the state

This bill would appropriate \$793,730.76 from the General Fund to the Dept. of Justice for payment of specified claims against the state, including a judgment of \$64,530 against the Coastal Commission in the case of Habitat for Hollywood Beach v. California Coastal Commission.

Introduced 02/14/07
Last Amended 06/05/08
Status Enrolled

SB 375 (Steinberg) Transportation planning: travel demand models

This bill would require the California Transportation Commission to develop regional transportation models for regional transportation agencies to incorporate into their transportation plans. This bill would set standards for evaluating projects eligible for state funding according to their consistency with these plans, and other “sustainable community” guideline. This bill would create CEQA exemptions for certain projects that are consistent with General Plan policies, provided those general plans have been updated in accordance with the provisions of the models and guidelines contained in the bill.

Introduced 02/21/07
Last Amended 03/24/08
Status Assembly Appropriations Committee

SB 412 (Simitian) State Energy Resources Conservation and Development Commission: LNG terminals

This bill would require the CEC to conduct an LNG Needs Assessment Study to be completed by November 1, 2008. The study shall include an assessment of future demand and supply, as well as a determination whether it is feasible to meet California's future natural gas needs without construction LNG terminals. It directs the CEC, in consultation with state and federal agencies (including CCC) to evaluate any proposed LNG project.

Introduced 02/21/07
Last Amended 08/20/07
Status Senate Rules Committee

Commission Position Support

SB 821 (Kuehl) Land use: water supply planning

This bill would require the California Research Bureau, by July 1, 2008, to provide a report to the Legislature covering the 2004, 2005, and 2006 calendar years that includes information relating to how existing water subdivision planning law is addressing the provision of adequate water supplies for proposed residential developments.

Introduced 02/23/07
Last Amended 05/01/07
Status Assembly Appropriations Committee

SB 899 (Simitian) Fishing gear

This bill would require the Department of Fish and Game to prepare a report to the Fish and Game Commission on sustainable funding sources for a program to remove derelict fishing gear, by January 1, 2010. The bill would require commercial fishing vessels that lose fishing gear to report to the department within 48 hours the location where the gear was lost. The bill would require the department to create and maintain a database that tracks the location of all known derelict fishing gear. The bill would require the department include information on all fishing licenses detailing how to report derelict fishing gear.

Introduced 02/23/08
Last Amended 06/05/08
Status Assembly Appropriations Committee

SB 1618 (Hollingsworth) Public resources: defensible space

This bill would add Section 20253.5 to the Public Resources Code to declare that vegetative clearance of up to 300 feet around any structure is consistent with Coastal Act if the clearance is proposed in the local land use authority has an NCCP approved by the Department of Fish and Game, or if the local land use authority has obtained an incidental take permit for a federally listed threatened or endangered species or a candidate species under the California Endangered Species Act, or if more than 50% of the land in the county in which the project is located is owned by the federal government.

Introduced 02/22/08
Status Failed Passage, Senate Natural Resources Committee

SCR 71 (Yee)

This resolution would designate a portion of State Highway 1 in San Mateo County as Tom Lantos Tunnel at Devil's Slide. The resolution would also request Caltrans, upon receiving adequate funding in the form of private donations, to erect signs to that effect.

Introduced 01/23/08
Status Senate Unfinished Business

SCR 85 (Kuehl) Pacific bluefin tuna

This resolution would seek the assistance of the Governor, the Fish and Game Commission, the Department of Fish and Game and the Ocean Protection Council, NMFS, NOAA, PRFMC and other agencies and organizations to cooperate in a robust stock assessment an international effort to enforce catch limits and combat illegal, unreported and unregulated overfishing of bluefin tuna in the Exclusive Economic Zone.

Introduced 02/26/08
Last Amended 06/17/08
Status Assembly Appropriations Committee
Commission Position Support