

## CALIFORNIA COASTAL COMMISSION

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# W-21c

August 6, 2008

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director  
 Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR AUGUST 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 7/24/08. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date.**<sup>1</sup> Current status of any bill may be checked by visiting the California Senate Homepage at [www.senate.ca.gov](http://www.senate.ca.gov). This report can also be accessed through the Commission's World Wide Web Homepage at [www.coastal.ca.gov](http://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 <sup>st</sup> House fiscal bills to the Floor
May 2	Last day for Policy Committees to hear and report 1 <sup>st</sup> 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

<sup>1</sup> 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 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
<b>Commission Position</b>	<b>Oppose</b>

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

This bill would require the California Building Standards Commission to develop building standards that authorize 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	06/30/08
Status	Senate Appropriations Committee, Suspense File

**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	07/01/08
Status	Senate Appropriations 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. Monies collected would be used to improve recycling services. *Amendments on 6/30 eliminate all references to paper carryout bags.*

Introduced	02/19/08
Last Amended	06/30/08
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	07/01/08
Status	Senate Appropriations 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	Enrolled
<b>Commission position</b>	<b>Support</b>

**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

**AJR 62 (Leno) West coast sea turtle protection**

This measure would request the National Marine Fisheries Service to delay consideration of, or deny, the swordfish longline exempted fishing permit, and defer consideration of efforts to introduce shallow-set longline fishing off the California coast, until critical habitat has been designated.

Introduced	05/21/08
Last Amended	06/19/08
Status	Enrolled

**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	Chaptered

**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 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	06/30/08
Status	Assembly Appropriations Committee, Suspense File

**SB 965 (Lowenthal) Ports: navigation systems**

This bill would establish the California Physical Oceanographic Real Time System (CalPORTS) of integrated marine sensors that provide critical information on tides, winds, currents, salinity, water and air temperatures for the purpose of safe navigation and the prevention of vessel collisions and oils spills. This bill would amend the Lempert-Keene-Seastrand Oil Spill Prevention Act to authorize the Legislature to appropriate funds from the Oil spill Prevention and Administration Fund for the purpose of hiring staff and purchasing equipment to administer the CalPORTS program, in cooperation with and building on the existing PORTS program administered by NOAA/NOS.

Introduced	02/23/07
Last Amended	01/16/08
Status	Senate Appropriations Committee

**SB 1056 (Migden) Oil spill prevention and response**

This bill would amend the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act to require the Office of Emergency Services to notify the Bay conservation and Development Commission (BCDC), and the counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco of any oil spill occurring within the jurisdiction of BCDC. It also sets standards for response time at 2 hours or less, requires the administrator to notify any local governments that may be affected by the spill, and requires the state to reimburse local jurisdictions for associated costs. Amendments of 07/02 require the administrator to conduct studies for the purpose of evaluating ways to improve oil spill response, and to determine whether regulations are achieving best available protection of the coast.

Introduced	01/07/08
Last Amended	07/02/08
Status	Assembly Appropriations Committee, suspense File

**SB 1185 (Lowenthal) Land divisions: tract maps**

This bill would extend by 24 months the life of any vesting tentative tract map that has not expired by the date that this bill takes effect.

Introduced	02/12/08
Last Amended	06/09/08
Status	Chaptered

**SB 1473 (Calderon) Building standards: green building**

This bill would require local governments to charge a minimum fee for processing applications for “sustainable” or “green” building projects. 90% of this fee would go to the California Building Standards Commission. Funds would be used by the Commission to create, adopt and update green building standards, and promote public education.

Introduced	02/21/08
Last Amended	04/21/08
Status	Assembly Appropriations Committee, Suspense File

**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	Chaptered

**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	Senate Unfinished Business
<b>Commission Position</b>	<b>Support</b>