

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE (415) 904-5200
 FAX (415) 904-5400
 TDD (415) 597-5885



W-25

April 8, 2009

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR APRIL 2009

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 03/25/09. 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

2009 Legislative Calendar

Jan 1	Statutes take effect
Jan 5	Legislature reconvenes
Jan 10	Budget must be submitted by Governor
Jan 30	Last day to submit bills to Legislative Counsel
Feb 27	Last day for bills to be introduced
April 2	Spring Recess begins
April 13	Legislature reconvenes
May 1	Last day for Policy Committees to hear and report 1 st House fiscal bills to the Floor
May 15	Last day for Policy Committees to hear and report 1 st House nonfiscal bills to the Floor
May 22	Last day for Policy Committees to meet prior to June 8
May 29	Last day for Fiscal Committees to hear and report 1 st House fiscal bills to the Floor
June 1-5	Floor Session only. No committees may meet
June 5	Last day to pass bills from house of origin
June 8	Committee meetings may resume
June 15	Budget must be passed by midnight
July 10	Last day for Policy Committees to hear and report bills to the Floor from the second house
July 17	Summer Recess begins at the end of session if Budget Bill has been enacted
Aug 17	Legislature reconvenes
Aug 28	Last day for Fiscal Committees to meet and report bills to the Floor
Aug 31-Sept 11	Floor session only. No committees may meet
Sept 4	Last day to amend bills on the Floor
Sept 11	Last day for any bill to be passed. Interim Recess begins on adjournment of session
Oct 11	Last day for Governor to sign or veto bills passed by the Legislature before Sept. 11

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 68 (Brownlee) Solid waste: single-use carry out bags

This bill would prohibit stores from providing single-use carryout bags to customers after July 10, 2010, unless the store charges a fee of not less than \$0.25 for the bag. The fees collected would be deposited into the Bag Pollution Fund, which the bill would establish, on a quarterly basis. Funds would be expended, after appropriation by the Legislature, to implement programs that educate consumers and reduce the use of plastic bags, and to reduce and mitigate the effects of plastic bag litter.

Introduced 12/12/08
Status Assembly Natural Resources Committee, hearing set 4/13

AB 87 (Davis) Single use carryout bags: environmental effects

This bill would prohibit stores from providing single-use carryout bags to customers after July 10, 2010, unless the store charges a fee of not less than \$0.25 for the bag. The fees collected would be deposited into the Bag Pollution Fund, which the bill would establish, on a quarterly basis. Funds would be expended, after appropriation by the Legislature, to implement programs that educate consumers and reduce the use of plastic bags, and to reduce and mitigate the effects of plastic bag litter. *Amendments of 3/18 are non-substantive.*

Introduced 01/05/09
Last Amended 03/18/09
Status Assembly Natural Resources Committee, hearing set 4/13

AB 226 (Ruskin) Coastal resources: enforcement

This bill would give the Coastal Commission administrative civil liability authority and deposit any resulting revenues into the Coastal Act Services Fund (CASF). This bill would also redirect existing civil penalty revenue from State Coastal Conservancy to the Commission's CASF, subject to appropriation by the Legislature.

Introduced 02/03/09
Status Assembly Natural Resources Committee, hearing set 4/13

Commission Position Support

AB 248 (Lowenthal) Public resources; ballast water management

This bill would require the owner or operator of a vessel that carries or is capable of carrying ballast water to maintain written or electronic records regarding the make and type of ballast water treatment system, and when and by whom it was approved.

Introduced 02/10/09
Status Assembly Environmental Safety and Toxic Materials Committee, hearing set 3/24

AB 291 (Saldana) Coastal resources: coastal development permits

This bill would prohibit the issuance of a coastal development permit for any property for which a notice of violation has been received, unless the Executive Director of the Commission determines that an application has been filed that fully resolves the violation.

Introduced 02/13/09
Status Assembly Natural Resources Committee, hearing set 4/13

Commission Position Support if amended

AB 650 (Hill) Local government: City of Half Moon Bay

This spot bill states that it is the intent of the Legislature to assist the city of Half Moon Bay with respect to the city's settlement agreement in the matter of Yamagiwa v. City of Half Moon Bay (N.D. Cal. 2007). Under the settlement agreement the city waived its right to appeal, and now owes the plaintiff \$18 million in exchange for purchase of the Beachwood property. This is an urgency bill.

Introduced 02/27/09
Status Assembly Second Reading

AB 694 (Saldana) Tidelands and submerged lands: San Diego

This bill would clarify that all state tidelands underlying U.S. Naval installations in the City of San Diego shall revert back to the jurisdiction of the State Lands Commission after decommissioning, rather than remaining the property of the Navy.

Introduced 02/26/09
Status Assembly Natural Resources Committee, hearing set 4/13

AB 783 (Anderson) State agencies: repeal

This bill would require that all statutorily created state agencies, boards, and state commissions that are funded by General Fund revenues, except for the Franchise Tax Board, be repealed on January 1, 2022.

Introduced 02/26/09
Status Assembly Business and Professions Committee

AB 1283 (Smyth) Coastal Commission

This spot bill makes non-substantive changes to Section 30330 of the Coastal Act.

Introduced 02/27/09
Status Assembly First Reading

AB 1347 (Price) Desalination

This bill would repeal Section 12949.6 of the Water Code. This section establishes the Water Desalination Task Force, and requires the Department to report to the Legislature no later than July 1, 2004, on the potential opportunities for sea water and brackish water desalination in California. The Commission participated in the task force, but did not sign on to the final report.

Introduced 02/27/09
Status Assembly first Reading

AB 1358 (Hill) Product Management: Disposable Food Containers

This bill would prohibit food vendors or state facilities from dispensing food or beverages in polystyrene or non-recyclable, disposable food or beverage containers.

Introduced 02/27/09
Status Assembly First Reading

AJR 3 (Nava) Offshore oil drilling

This measure would request that Congress reinstate the federal offshore oil and gas leasing moratorium for the 2009 fiscal year and beyond. This measure also would memorialize the Legislature's opposition to the proposed expansion of oil and gas drilling of the Pacific Coast and any federal energy policies and legislation that would weaken California's role in energy siting decisions by those policies.

Introduced 01/23/09
Status Assembly Natural Resources Committee

SB 4 (Oropeza) State beaches and parks: smoking

This bill would prohibit smoking of any tobacco product on a state coastal beach on in any unit of the State Parks system. The bill authorizes the Department of Parks and Recreation, or any other relevant state agency, to develop and post signs to provide notice of the smoking prohibition.

Introduced 12/01/08
Status Passed Senate Natural Resources and Water Committee, 3/24/09
Referred to Senate Appropriations Committee

SB 21 (Simitian) Fishing gear

This bill would require the Department of Fish and Game to make recommendations to the Fish and Game Commission regarding a sustainable funding source for the recovery of derelict fishing gear and the prevention of the loss of fishing gear. The bill would require any persons and/or vessels who lose fishing gear at sea to report the loss within 48 hours. The bill would require all fishing licenses issued by the Department to include information and telephone numbers related to the new requirement. The bill would also require the Department to establish a data base of all known and reported sites of derelict/lost fishing gear, and to establish performance targets for their removal.

Introduced 12/01/08
Status Passed Senate Natural Resources and Water Committee, 3/24/09
Referred to Senate Appropriations Committee

SB 42 (Corbett) Coastal resources: seawater intake

This bill would prohibit a state agency from approving any new power plant or industrial facility, including desalination facilities, that utilizes Once-Through-Cooling (OTC), or any expansion of an existing facility that uses open seawater intake. It would also require existing facilities with once-through cooling technology to cease operation or switch to an alternative method of cooling by December 31, 2014. The bill would also establish a fee of \$0.000015 per gallon of sea water for facilities that continue to use OTC between January 1, 2011 and December 31, 2014. Fees would be deposited in the Marine Life Restoration Account, which the bill would create, within the Coastal Conservancy's Coastal Trust Fund. *Amendments of 3/18 would set standards for open seawater intake systems for desalination facilities, and require the State Water Resources Control Board to adopt and implement a schedule for the phase-out of existing OTC facilities.*

Introduced 01/06/09
Last Amended 03/18/09
Status Passed Senate Natural Resources and Water Committee, 3/24/09
Referred to Energy, Utilities and Commerce

SB 262 (Lowenthal) Coastal resources

This bill would repeal the requirement that the Commission must meet monthly. In the event that the Commission were to cancel a monthly meeting, this bill would extend all statutory deadlines to the following month.

Introduced 02/24/09
Status Senate Natural Resource Committee, hearing set, 4/14
Commission Position Support

SB 459 (Wolk) Tidelands and submerged lands: removal of vessels

This bill would allow the State Lands Commission to immediately remove without notice any unattended vessel that is moored, docked, beached or stranded in such a way that it is creating a hazardous condition. This bill would provide that any vessel under the State Lands Commission's jurisdiction that is allowed to persist in an unseaworthy or dilapidated state for more than 30 days shall be declared abandoned and authorize the Commission to sell, destroy or otherwise dispose of the vessel.

Introduced 02/26/09
Status Senate Natural Resources Committee

SB 650 (Yee) Half Moon Bay

This spot bill states that it is the intent of the Legislature to assist the city of Half Moon Bay with respect to the city's settlement agreement in the matter of Yamagiwa v. City of Half Moon Bay (N.D. Cal. 2007). Under the settlement agreement the city waived its right to appeal, and now owes the plaintiff \$18 million.

Introduced 02/27/09
Status Senate Rules Committee

SB 790 (Pavley) Coastal resources; project grants

This bill would make Low Impact Development (LID) projects eligible for bond funds, if those projects contribute to the protection of water quality or reduce storm water runoff, and authorize the State Water Resources Control Board, in consultation with the Coastal Conservancy, to award grants to public agencies and non-profit organizations.

Introduced 02/27/09
Status Senate Natural Resources Committee
Commission Position Recommend Support

SB 801 (Walters) Coastal resources: City of Laguna Nigel

This bill states that it is the intent of the Legislature to revise the current coastal zone boundary to terminate at the western edge of the city. This would remove much of the incorporated area of the city of Laguna Nigel from the coastal zone.

Introduced 02/27/09
Status Senate Rules
Commission Position Oppose