

CALIFORNIA COASTAL COMMISSION

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**W6b**

DATE: October 3, 2016

TO: Coastal Commission and Interested Persons

FROM: John Ainsworth, Acting Executive Director
 Sarah Christie, Legislative Director

SUBJECT: LEGISLATIVE REPORT FOR OCTOBER, 2016

CONTENTS: This report provides summaries and status of bills affecting the Coastal Commission and California's Coastal Program, and coastal-related legislation identified by staff.

Note: Information contained in this report is accurate as of October 3, 2016. Bills that were not included in the previous report are preceded by an *asterisk. Recent amendments are summarized in *italics*. Bill text, votes, committee analyses and current status of any bill may be viewed on the California Senate Homepage at www.senate.ca.gov. This report can also viewed on the Commission's Homepage at www.coastal.ca.gov

2016 Legislative Calendar

Jan 1	Statutes take effect
Jan 4	Legislature reconvenes
Jan 10	Budget Bill must be submitted by Governor
Jan 15	Last day for committees to hear and report 2015 bills introduced in their house
Jan 22	Last day to send bill requests to Office of Legislative Counsel
Jan 31	Last day for each house to hear and report 2015 bills introduced in their house
Feb 19	Last day for bills to be introduced
Mar 17	Spring Recess begins upon adjournment
Mar 28	Legislature reconvenes from Spring Recess
April 1	Cesar Chavez Day Observed
April 22	Last day for policy committees to hear and report fiscal bills
May 6	Last day for policy committees to hear and report non-fiscal bills out of house of origin
May 13	Last day for policy committees to meet prior to June 6
May 27	Last day for fiscal committees to hear and report bills to the Floor
May 30	Memorial Day Observed
May 31-June 3	Floor session only
June 3	Last day for each house to pass bills introduced in that house
June 15	Budget Bill must be passed by midnight
July 1	Last day for Policy committees to report bills. Summer Recess begins upon adjournment
Aug 1	Legislature reconvenes from summer recess
Aug 12	Last day for fiscal committees to meet and report bills to the Floor
Aug 19	Last day to amend bills on the Floor
Aug 31	Last day to pass bills. Interim recess begins upon adjournment
Sep 30	Last day for Governor to sign or veto bill

PRIORITY LEGISLATION—SUMMARY TABLE OF COMMISSION ACTIONS

Bill No.	Commission Position/Date	Current Location	Next Location
AB 2002 (Stone)	Support, 5/12/16	Senate Inactive File	0
AB 2305 (Bloom)	Support, 4/14/16	Amended into SB 839	
AB 2616 (Burke)	Support, 4/14/16; 6/8/16	Chaptered	0
AB 2648 (Jones)	Oppose, 4/14/16	Assm NR Comm	0
SB 1190 (Jackson)	Support, 5/12/16	Assm Inactive File	0
SB 900 (Jackson)	Support, 4/14/16	Vetoed	0

LEGISLATIVE SUMMARIES

[AB 300 \(Alejo\) Safe Water and Wildlife Protection Act of 2015](#)

This bill would enact the Safe Water and Wildlife Protection Act of 2015, requiring the State Coastal Conservancy to establish and coordinate the Algal Bloom Task Force. The task force would be comprised of a representative of the State Department of Public Health, the Department of Fish and Wildlife, Department of Food and Agriculture and the State Coastal Conservancy, and other relevant agencies. It would require the task force to review the risks and negative impacts of toxic blooms and microcystin pollution, consult with the EPA Secretary, and to submit a summary of its findings and recommendations to the Resources Secretary by January 1, 2017. Amendments of 05/28 add the State Water Pollution Cleanup and Abatement Account as a source of grant funds. *Amendments of 06/25 add “marine waters” to the definition of “waters of the state.”*

Introduced 02/12/15
 Last Amended 08/17/15
 Status Senate Appropriations Committee, Suspense File. Held under submission.

[AB 435 \(Chang\) Natural Resources Agency: webcast of meetings and workshops](#)

This bill would require all boards, departments and commissions within the Environmental Protection Agency and the Natural Resources Agency to provide live webcasts of all public meetings in a manner that enables listeners to and viewers to ask questions and provide public comment by phone or electronic communication. The bill would require all agencies to archive the webcasts for later viewing by the public. Amendments of 05/28 specify that the bill does not apply to workshops or meetings held at “non-agency sites”, and specify that archived meeting videos must be made available to the public for a period of three years. *Amendments of 05/28 make the bill no longer applicable to the Coastal Commission.*

Introduced 02/19/15
 Last Amended 05/28/15
 Status Senate Appropriations Committee. Held under submission.

AB 718 (Chu) Local government: powers

This bill would prohibit any local government from imposing civil or criminal penalties for the act of sleeping or resting in a lawfully parked motor vehicle. *Amendments of 7/14 clarify that the bill does not supersede various other laws.*

Introduced 02/25/15
Last Amended 07/14/15
Status Failed passage in Senate. Reconsideration granted. Inactive File.

AB 988 (Stone) Outdoor Environmental Education and Recreation Grants Program

This bill would require the Department of Parks and Recreation to establish an Outdoor Environmental Education and Recreation Grants Program for the purpose of increasing the ability of underserved and at-risk populations to participate in outdoor recreation and educational experiences by awarding grants to public organizations, nonprofit organizations, or both. The bill would require that all moneys received for the purposes of the program be deposited into the California Youth Outdoor Education Account, which would be created by the bill and would be continuously appropriated. Any bond funds made available through the program would be awarded to programs that meet the criteria of the State Urban Parks and Healthy Communities Act. Amendments of 06/01 specify that priority will be given to grant applications that primarily serve students who are eligible for free or reduced-price meals, or pupils of limited English proficiency. *Amendments of 06/30 make technical changes, and require the department to report annually to the Budget and Fiscal Committees.*

Introduced 02/26/15
Last Amended 06/30/15
Status Senate Appropriations Committee. Held under submission.

AB 1500 (Mainschein) California Environmental Quality Act: priority housing projects: exempt

This bill would exempt emergency shelter, transitional housing, and priority housing projects, as defined, from the requirements of CEQA.

Introduced 02/27/15
Last Amended 01/13/16
Status Senate Transportation and Housing Committee

AB 1871 (Waldron) Coastal resources: development: water supply projects

This bill would limit the growth-inducing impacts the Commission may consider in its review for a coastal development project for a water supply project. The Commission's review authority would be limited to how the proposed project augments existing water supplies, how it increases regional water supply reliability to drought and climate change, and how it reduces reliance on the Sacramento-San Joaquin Delta.

Introduced 02/10/16
Last Amended 03/18/16
Status Assembly Natural Resources Committee, hearing cancelled at author's request

AB 2002 (Stone) Political Reform Act: California Coastal Commission

This bill would amend the definition of “administrative action” in Section 82002 of the Political Reform Act to include permit applications and other actions pending before the Coastal Commission. The bill would also amend Section 30325 of the Public Resources Code to require persons who communicate with the commission on actions described under the new definition in 82002, with certain exceptions, to comply with the requirements Political Reform Act (Chapter 6, Title 9 of the Government Code). The bill would prohibit ex parte communications within 24 hours of the public hearing on the item being discussed, and require disclosure within 24 hours of any ex parte communication that takes place seven or fewer days before the hearing item. *Amendments of 4/12 make minor, non-substantive changes.*

Introduced 02/16/16
Last Amended 04/12/16
Commission Position Support
Status Senate Inactive File

AB 2041 (Harper) State and local beaches: fire rings

This is a spot bill relating to fire rings at local beaches.

Introduced 02/17/16
Status Assembly Rules Committee

AB 2171 (Jones) Coastal resources: development review: appeals

As amended 03/29, this bill would add Section 30625.5 to the Public Resources code to allow an applicant or an aggrieved person file an appeal on any appealable item directly with a superior court in lieu of filing an appeal with the Commission.

Introduced 02/18/16
Last Amended 03/29/16
Status Failed passage, Assembly Natural Resources & Judiciary Committees, reconsideration granted

AB 2180 (Ting) Land use: development project review

As amended 03/31, and relevant to the Coastal Commission, this bill would amend the Permit Streamlining Act to reduce the length of time for a responsible agency to act on an application for residential and mixed use developments from 180 days to 90 days from the date of approval by a lead agency, or receipt of a completed application, whichever is longer. *Amendments on 08/17 exclude the Coastal Commission from the provisions of this bill.*

Introduced 02/18/16
Last Amended 08/17/16
Status Chaptered by Secretary of State. Chapter 566, Statutes of 2016.

AB 2185 (Gonzalez): State Coastal Conservancy: low-cost accommodations

This bill would require the Coastal Conservancy to develop a loan/grant program to assist private low-cost accommodations to meet their operation and maintenance needs in exchange for an easement or other legally binding instrument that protects the public benefit of the facility. The bill also requires the Conservancy, in consultation with the Commission and State Parks, to develop a list of potential low-cost accommodation projects.

Introduced 02/18/16
Last Amended 03/18/16
Status Assembly Appropriations Committee, Suspense File, Held Under Submission

AB 2198 (Brough) Coastal development permits: desalination facilities

This bill would require an application for a coastal development permit for a “desalinization project” to be given priority for review and expedited permitting.

Introduced 02/18/16
Status Assembly Natural Resources Committee, hearing cancelled at author’s request

AB 2299 (Bloom) Land use: housing: second units

This bill would require cities and counties to develop ordinances allowing for second units in single family and multi-family zoning. Current law provides for the permissive development of such ordinances.

Introduced 02/18/16
Last Amended 08/26/16
Status **Chaptered by Secretary of State. Chapter 735, Statutes of 2016.**

AB 2305 (Bloom) Protection of orcas: unlawful activities

As amended 04/05, this bill would prohibit the captive holding, display, breeding, gamete collection or import, sale or transport of orca whales. The bill would allow for the rescue and rehabilitation of stranded orca. Any orcas already in captivity as of January 1, 2017 could continue to be held for educational purposes. Amendments of 04/14 clarify that an orca may be used for educational presentations. The contents of this bill were amended into SB 839, Chaptered by Secretary of State, Chapter 340.

Introduced 02/18/16
Last Amended 04/14/16
Status Assembly Rules Committee
Commission Position Support

AB 2406 (Thurmond) Housing: junior accessory dwelling units

This bill would amend Government Code Section 65852.2 to require that a local ordinance pertaining to the authorization of second units in single-family or multi-family zoning also provide for the creation of junior accessory dwelling units. The bill would also exempt those units from water or sewer hookup fees, additional parking and fire attenuation requirements.

Introduced 02/19/16
Last Amended 08/19/16
Status **Chaptered by Secretary of State. Chapter 755, Statutes of 2016.**

AB 2413 (Thurmond) Sea level rise preparation

This bill would require the Natural Resources Agency to complete a study by January 1, 2019, that outlines the impacts of sea level rise on low-income communities and at-risk communities and public projects and infrastructure. The study would also include short-term and long-term recommendations.

Introduced 02/19/16
Status Assembly Natural Resources Committee

AB 2444 (Garcia) California Water Quality, Coastal Protection and Outdoor Access for All Act

This bill would create the California Parks, Water Quality, Coastal Protection, and Outdoor Access Improvement Act of 2016, which would authorize the issuance of bonds in an unspecified amount to finance water quality, coastal protection and public outdoor access programs. Amendments of 04/13 add parks to the title and subject of the bill, and specify that 60% of the allotted funding for parks must be allotted to cities and districts other than a regional park district, in relation to the ratio of the population served, and 40% to counties and regional park districts and/or regional open space districts. *Amendments of 08/01 strike the \$3,120,000,000 cap on the measure, and make adjustments to allocated funding amounts to various agencies.*

Introduced 02/19/16
Last Amended 08/01/16
Status Senate Natural Resources and Water Committee

AB 2616 (Burke) California Coastal Commission: membership: environmental justice

This bill specifies that the Governor must appoint one of four commissioners who represents and works with communities most burdened by high levels of pollution and environmental justice issues. The bill would also authorize the Commission to consider Environmental Justice concerns in its actions.

Introduced 02/19/16
Last Amended 08/16/16
Status **Chaptered by Secretary of State. Chapter 578, Statutes of 2016.**
Commission Position **Support**

AB 2628 (Levine) Political Reform Act: post-governmental employment

This bill would add Section 87496.5 to the Political Reform Act to prohibit an elected or appointed officer of a state or local public agency from maintaining employment, take consultation fees from, or otherwise aid, consult with or assist for compensation any entity seeking a permit or any other regulatory action from the board, commission or other body on which he/she served for a period of one year. The bill would require public agencies to post on their internet websites annual statements of economic interest (Form 700) from specified officers.

Introduced 02/19/16
Last Amended 04/19/16
Status Assembly Appropriations Committee, Suspense File. Held under submission.

AB 2648 (Jones) Coastal Commission: delegation of authority

This bill would authorize a coastal county to petition a superior court to obtain a writ of mandate requiring the Commission's regulatory authority to be delegated to the county. The county would become the exclusive authority for the enforcement of state and federal coastal laws. The bill would also allow an aggrieved person to file an appeal of any appealable action on a coastal development permit directly to a superior court in lieu of filing an appeal with the Commission.

Introduced 02/19/16
Last Amended 03/18/16
Status Failed Passage, Assembly Natural Resources Committee

Commission Position Oppose

AB 2658 (Maienshein) California Coastal Commission: ex parte communications: meetings

This bill would extend current ex parte reporting requirements to members of the Coastal Commission staff. The bill would also require all hearings, workshops, or written proceedings to be promptly posted on the Commission's website to allow for public comment.

Introduced 02/19/16
Status Assembly Natural Resources Committee, hearing cancelled at author's request

SB 233 (Hertzberg) Marine resources and preservation

This bill would amend the California Marine Resources Legacy Act in the Fish and Game Code, related to artificial reef conversion of offshore oil and gas facilities. The bill designates the Department of Fish and Wildlife as the lead agency for environmental review under CEQA for an application to partially remove an offshore structure. The bill requires the Department to determine the cost savings of partial removal compared with full removal, as well as make the determination of whether partial removal provides a net environmental benefit. The bill includes consideration of greenhouse gas emissions as part of the analysis of net environmental benefit. The bill makes changes to the application process, and changes to the timing of the distribution of funds. This bill designates the State Lands Commission as the lead agency under CEQA, requires the applicant to provide sufficient funds for all agencies to perform the responsibilities proscribed by the bill, and gives the Ocean Protection Council the responsibility of determining the appropriate weight to be given to adverse impacts to the marine environment versus greenhouse gas emissions. The bill would allow the first applicant to partially remove an offshore platform to pay startup and other costs associated with processing the application as determined by the department.

Introduced 02/13/15
Last Amended 07/16/15
Status Assembly Appropriations Committee, hearing cancelled at request of author.

SB 317 (De Leon) The Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act

This bill would enact the Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016, which, if adopted by the voters at the November 8, 2016, statewide general election, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance a safe neighborhood parks, rivers, and coastal protection program. The bill would authorize a total bond issuance amount of \$2,450,000,000. Of that amount, \$350,000,000 would be specified for coast and ocean protection, and \$370,000,000 for rivers, lakes and streams. This bill has an urgency clause. *Amendments of 05/05 up to 10% of funds allocated for each chapter may be used for project planning and monitoring, and specify that no more than 5% of funds allocated to a grant program may be used for administrative costs.*

Introduced 02/23/15
Last Amended 05/05/15
Status Appropriations Committee, Suspense File

SB 788 (McGuire) California Coastal Protection Act of 2015

This bill would repeal Section 6422 of the Coastal Sanctuary Act, which currently authorizes the State Lands Commission (SLC) to enter into a lease for the extraction of oil or gas from state-owned tide and submerged lands in a California Coastal Sanctuary if SLC determines that the oil or gas deposits are being drained by producing wells on adjacent federal lands, and the lease is in the best interest of the state. The effect of this would be to prohibit any on or offshore drilling into oil reserves known as Tranquillon Ridge offshore Santa Barbara County. This bill is a reintroduction of SB 1096 (Jackson) from the previous legislative session.

Introduced 05/04/15
Last Amended 06/02/15
Status Assembly Appropriations Committee, Suspense File. Held under submission.

SB 900 (Jackson) Coastal Oil Well Cleanup Act

This bill would require the State Lands Commission to conduct a statewide survey to remediate “legacy” oil wells in state waters for which there is no responsible party, survey and monitor natural oil seeps in state waters, and conduct a survey of all legacy oil wells along the California coastline. *Amendments of 8/19 make minor, technical changes to the definitions section.*

Introduced 01/21/16
Last Amended 05/31/16
Status Introduced 02/08/16
Last Amended 08/19/16
Status **Vetoed by Governor**
Commission Position **Support**

SB 839 (Committee on Budget and Fiscal Review) Public Resource

This is an omnibus budget trailer bill that amends numerous code sections. Relevant to the Coastal Commission, it contains the language in AB 2305 pertaining to captive orcas.

Introduced 01/07/16
Last Amended 08/26/16
Status **Chaptered by Secretary of State. Chapter 340, Statutes of 2016.**
Commission Position **Support**

SB 968 (Monning) Diablo Canyon Units 1 and 2: power plant

This bill would require the Public Utilities Commission to cause an assessment to be made completed by an independent third party review of the economic impacts and benefits of the closure of Diablo Canyon Nuclear Generating facility, if the power plant were to cease operations. *Amendments of 08/17 change the source of funding for additional staffing to facilitate the assessment from the PUC reimbursement account to the nuclear decommissioning funds established for Diablo Canyon Units 1 and 2.*

Introduced 02/08/16
Last Amended 08/17/16
Status **Chaptered by Secretary of State. Chapter 968, Statutes of 2016.**

SB 1190 (Jackson) California Coastal Commission: ex parte communications

This bill would prohibit interested parties from conducting ex parte communications with commissioners for adjudicative and enforcement matters, and prohibit a commissioner from voting on a project for which an ex parte communication has taken place. A violation of this prohibition would disqualify the individual from serving as a commissioner. The bill would also prohibit a commissioner from attempting to influence a staff analysis or recommendation prior to the publication of the staff report or recommendation. *Amendments of 8/19 make minor, technical changes to the definitions used in the bill.*

Introduced 01/21/16
Last Amended 08/19/16
Commission Position **Support**
Status Assembly Inactive File

SB 1473 (Committee on Natural Resources and Water) Natural resources

This is an omnibus committee bill that makes several changes throughout the Public Resources Code and the Fish and Game Code. Relevant to the Coastal Commission, it clarifies that the Commission may not allow more than 45 working days to elapse between meetings, and that an application or an appeal must be heard by the Commission no more than 49 working days after filing.

Introduced 02/08/16

Last Amended 08/29/16

Status Chaptered by Secretary of State. Chapter 549, Statutes of 2016.

SB 1476 (Committee on Governance and Finance) Income taxation: voluntary contributions

This bill would cap the minimum annual contribution amount for the continuation of any voluntary tax contribution on the state tax return form at \$250,000. Income taxation would also provide that the contributed funds be continuously appropriated to the administering agency. *Amendments of 6/16 specify that the measure would take effect after January 2, 2017, and require that the administering agency provide specified information about the fund on its website.*

Introduced 03/07/16

Last Amended 06/16/16

Status Chaptered by Secretary of State. Chapter 597, Statutes of 2016